

12-13-2016

## State v. Freeland Clerk's Record Dckt. 44593

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	
Plaintiff/Respondent,	)	SUPREME COURT NO. 44593
	)	DISTRICT COURT NO. CR 42-16-1074
vs.	)	
	)	
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant,</u>	)	

CLERK'S RECORD ON APPEAL

Appeal from the District Court of the Fifth Judicial District  
of the State of Idaho, in and for the County of Twin Falls

HONORABLE RANDY J. STOKER  
District Judge

ERIC FREDERICKSEN  
State Appellate Public Defender  
322 East Front Street, Suite 570  
Boise, ID 83702

ATTORNEY FOR APPELLANT

LAWRENCE WASDEN  
Attorney General  
Statehouse Mail Room 210  
P.O. Box 83720  
Boise, Idaho 83720-0010

ATTORNEY FOR RESPONDENT

## TWIN FALLS COUNTY DISTRICT COURT

**CASE SUMMARY****CASE No. CR42-16-1074**

State of Idaho  
Plaintiff,  
vs.  
Scott Cameron Freeland  
Defendant.

Ü  
Ü  
Ü  
Ü  
Ü

Location: **Twin Falls County District Court**  
Judicial Officer: **Stoker, Randy J.**  
Filed on: **01/29/2016**  
Case Number History:  
Appellate Case Number: **44593**

## CASE INFORMATION

Offense	Deg	Date	Case Type:	Criminal
Jurisdiction: <b>Twin Falls City Police Department</b>				
1. Weapon-Unlawful Possession by Convicted Felon TCN: ID4201041387	FEL	01/28/2016	Case Flags:	<b>Physical File</b>
Arrest:				
2. Theft by Receiving, Possessing or Disposing of Stolen Property, etc TCN: ID4201041387	FEL	01/28/2016		

## DATE

## CASE ASSIGNMENT

**Current Case Assignment**

Case Number	CR42-16-1074
Court	Twin Falls County District Court
Date Assigned	03/24/2016
Judicial Officer	Stoker, Randy J.







## PARTY INFORMATION

State	State of Idaho	Lead Attorneys
		<b>Holloway, Stanley</b> Retained 208-736-4020(W)
Defendant	<b>Freeland, Scott Cameron</b>	<b>Essma, George P.</b> Retained 208-734-1155(W)

## DATE



















## EVENTS &amp; ORDERS OF THE COURT

## INDEX

01/29/2016	<b>Initial Appearance - Felony Magistrate Court (1:00 PM)</b> (Judicial Officer: Campbell, Calvin H.)
01/29/2016	 Initiating Document - Criminal
01/29/2016	 Affidavit in Support of Complaint or Warrant
01/29/2016	 Sheriff's Inmate Screening Report
01/29/2016	 County Jail Packet
01/29/2016	 Court Minutes
01/29/2016	 Notification of Rights Felony
01/29/2016	



















# CASE SUMMARY

CASE NO. CR42-16-1074

















	 Order Appointing Public Defender
01/29/2016	 Notice of Hearing
01/29/2016	Bond Set \$75,000.00
02/02/2016	 Response to Request for Discovery
02/02/2016	 Request for Discovery
02/02/2016	 Criminal Complaint <i>Amended</i>
02/02/2016	 Request for Discovery <i>Plaintiff's</i>
02/02/2016	 Response to Request for Discovery <i>Plaintiff's</i>
02/05/2016	<b>Preliminary Hearing (8:15 AM)</b> (Judicial Officer: Harris, Roger B.)
02/05/2016	 Court Minutes
02/05/2016	 Notice of Hearing
02/10/2016	 State's Supplemental Response to Request for Discovery
02/10/2016	 State's Supplemental Response to Request for Discovery
02/26/2016	 Court Minutes
02/26/2016	 Notice of Hearing
03/03/2016	<b>Preliminary Hearing (8:15 AM)</b> (Judicial Officer: Kershaw, Thomas D., Jr) <i>02/26/2016 Continued to 03/03/2016 - Cont - Other - Freeland, Scott Cameron</i>
03/03/2016	 Court Minutes
03/03/2016	Bound Over (after Prelim)
03/03/2016	 Order Binding Defendant Over to District Court
03/03/2016	 Exhibit List/Log
03/04/2016	 Information Filed <i>Information for Felonies, Namely: Count I: Unlawful Possession of a Firearm Count II: Grant Theft by Possession of Stolen Property</i>
03/08/2016	 Notice of Hearing

# CASE SUMMARY

CASE NO. CR42-16-1074

















03/09/2016	 State's Supplemental Response to Request for Discovery
03/10/2016	 Motion for Bond Reduction
03/10/2016	 Notice of Hearing
03/10/2016	 Motion for Disqualification of Judge <i>State's</i>
03/11/2016	 State's Supplemental Response to Request for Discovery
03/14/2016	 <b>Arraignment - District Court (8:30 AM)</b> (Judicial Officer: Bevan, G. Richard)
03/14/2016	DC Hearing Held: Court Reporter: # of Pages: <i>Virginia Bailey</i>
03/14/2016	 Court Minutes
03/14/2016	 Notice of Hearing
03/15/2016	 Order <i>Criminal Case Scheduling Order</i>
03/16/2016	 Motion for Disqualification of Judge <i>Motion for Automatic Disqualification of Judge</i>
03/17/2016	 Order for Preliminary Hearing Transcript <i>at County Expense</i>
03/21/2016	 Order Upon Motion to Disqualify Without Cause Rule 25(a)(1)
03/24/2016	 Order of Assignment - Administrative <i>Assign to Judge Stoker</i>
03/24/2016	 Notice of Hearing
03/24/2016	 Notice of Hearing
03/28/2016	<b>CANCELED Motion for Bond Reduction (10:30 AM)</b> (Judicial Officer: Bevan, G. Richard) <i>Vacated</i>
04/01/2016	 <b>Motion for Bond Reduction (10:00 AM)</b> (Judicial Officer: Stoker, Randy J.)
04/01/2016	DC Hearing Held: Court Reporter: # of Pages: <i>Tbarksdale</i>
04/01/2016	 Court Minutes
04/01/2016	Motion Denied
04/06/2016	 Response to Request for Discovery

**CASE SUMMARY****CASE NO. CR42-16-1074***Plaintiff's*

04/07/2016	 Transcript Filed <i>of the Preliminary Hearing held 3/3/2016</i>
04/07/2016	 Certificate of Service of Transcript
04/28/2016	 Notice of Hearing <i>Amended (Pre-Trial Only)</i>
04/29/2016	 Supplemental Response to Request for Discovery <i>Plaintiff's</i>
05/02/2016	<b>CANCELED Pre-trial Conference (11:00 AM)</b> (Judicial Officer: Bevan, G. Richard) <i>Vacated</i>
05/02/2016	 <b>CANCELED Pre-trial Conference (4:00 PM)</b> (Judicial Officer: Stoker, Randy J.) <i>Vacated</i>
05/03/2016	 <b>Pre-trial Conference (4:00 PM)</b> (Judicial Officer: Stoker, Randy J.)
05/03/2016	 Supplemental Response to Request for Discovery <i>and Witness List -Plaintiff's</i>
05/03/2016	 Exhibit List/Log <i>Plaintiff's</i>
05/03/2016	DC Hearing Held: Court Reporter: # of Pages: <i>TBarksdale</i>
05/03/2016	 Court Minutes
05/04/2016	 Motion to Suppress
05/04/2016	 Notice of Hearing
05/05/2016	 Notice of Hearing
05/05/2016	 Notice of Hearing
05/09/2016	 Supplemental Response to Request for Discovery <i>Plaintiff's</i>
05/18/2016	<b>CANCELED Jury Trial (8:33 AM)</b> (Judicial Officer: Bevan, G. Richard) <i>Vacated</i>
05/18/2016	 <b>CANCELED Jury Trial (8:30 AM)</b> (Judicial Officer: Stoker, Randy J.) <i>Vacated</i>
05/31/2016	 <b>CANCELED Pre-trial Conference (4:00 PM)</b> (Judicial Officer: Stoker, Randy J.) <i>Vacated</i>
















# CASE SUMMARY

CASE NO. CR42-16-1074

06/07/2016	 <b>CANCELED Jury Trial</b> (8:30 AM) (Judicial Officer: Stoker, Randy J.) <i>Vacated</i>
06/07/2016	 Notice of Hearing <i>AMENDED Notice of Hearing Pre-trial Conference</i>
06/07/2016	 Subpoena Returned <i>Officer Dusty Soloman</i>
06/07/2016	 Subpoena Returned <i>Officer Jerry Hutchison</i>
06/07/2016	 Subpoena Returned <i>Officer Samir Smirko</i>
06/07/2016	 Subpoena Returned <i>Stephanie Hall</i>
06/07/2016	 Subpoena Returned <i>Elizabeth Maxwell</i>
06/07/2016	 Subpoena Returned <i>Mike Maxwell</i>
06/08/2016	 Response <i>to Defendant's Motion to Suppress - State's</i>
06/09/2016	 <b>Motion to Suppress</b> (1:30 PM) (Judicial Officer: Stoker, Randy J.)
06/09/2016	DC Hearing Held: Court Reporter: # of Pages: <i>Tbarksdale</i>
06/09/2016	 Court Minutes
06/10/2016	 Notice of Hearing <i>Notice of Hearing- Motion to Suppress Continued</i>
06/15/2016	 <b>Motion to Suppress</b> (9:00 AM) (Judicial Officer: Stoker, Randy J.) <i>Continued</i>
06/15/2016	DC Hearing Held: Court Reporter: # of Pages: <i>TBarksdale</i>
06/15/2016	 Court Minutes
06/21/2016	 Memorandum <i>Memorandum Opinion Re Motion to Suppress</i>
06/23/2016	 Witness List <i>Amended</i>
06/23/2016	

# CASE SUMMARY

CASE No. CR42-16-1074

	 Exhibit List/Log <i>Amended</i>
06/24/2016	 <b>Pre-trial Conference</b> (4:00 PM) (Judicial Officer: Stoker, Randy J.)
06/24/2016	DC Hearing Held: Court Reporter: # of Pages: <i>TBarksdale</i>
06/24/2016	 Court Minutes <i>(Jury Trial 2nd Priority)</i>
06/29/2016	 Supplemental Response to Request for Discovery
06/29/2016	 Notice <i>of Intent to Use Audio Evidence at Trial</i>
06/29/2016	 Jury Instructions Filed <i>Plaintiff's Requested Jury Instructions</i>
07/08/2016	 <b>Change of Plea</b> (4:00 PM) (Judicial Officer: Stoker, Randy J.)
07/08/2016	DC Hearing Held: Court Reporter: # of Pages: <i>TBarksdale</i>
07/08/2016	 Court Minutes
07/08/2016	 Guilty Plea Advisory
07/08/2016	 Offer
07/08/2016	<b>Plea</b> (Judicial Officer: Stoker, Randy J.) 2. Theft by Receiving, Possessing or Disposing of Stolen Property, etc Guilty TCN: ID4201041387 :
07/08/2016	 PSI Face Sheet
07/08/2016	 Order for Pre-Sentence Report (PSI)
07/08/2016	 Application for Problem Solving Court <i>Mental Health Court Application</i>
07/08/2016	<b>Disposition</b> (Judicial Officer: Stoker, Randy J.) 1. Weapon-Unlawful Possession by Convicted Felon Dismissed on Motion of Prosecutor TCN: ID4201041387 :
07/11/2016	 Notice of Hearing
07/11/2016	 Order for Mental Health Assessment - Plan of Treatment












**CASE SUMMARY**  
**CASE No. CR42-16-1074**

8  
Printed on 12/12/2016 at 3:08 PM

## TWIN FALLS COUNTY DISTRICT COURT

**CASE SUMMARY****CASE No. CR42-16-1074**

09/30/2016	 Affidavit & Notice of Failure to Pay
10/06/2016	 Order Appointing State Appellate Public Defender
10/17/2016	<b>CANCELED Sentencing</b> (2:30 PM) (Judicial Officer: Stoker, Randy J.) <i>Vacated</i>
10/26/2016	 Clerk's Certificate of Appeal
11/03/2016	Account in Collections
11/18/2016	 Notice of Appeal <i>Amended</i>
11/22/2016	 Supreme Court Document Filed-Misc <i>Notice of Appeal - Transcripts Requested **Set Due Date Transcripts(Reporter's Lodging date is 12-08-16) and Clerk's Record Due 1-12-17**</i>
11/25/2016	 Supreme Court Document Filed-Misc <i>Notice of Transcript Lodged - by T. Barksdale (214 pages)</i>
11/25/2016	 Supreme Court Document Filed-Misc <i>Corrected Transcript Lodged - by T. Barksdale (214 pages)</i>
11/28/2016	 Supreme Court Document Filed-Misc <i>Amended Notice of Appeal - Transcripts Requested **Set Due Date Transcripts and Clerk's Record Remains as Set 1-12-17**</i>
11/28/2016	 Notice <i>of Lodging T Barksdale (214 pages)</i>

**DATE****FINANCIAL INFORMATION****Defendant** Freeland, Scott Cameron

Total Charges

245.50

Total Payments and Credits

0.00

**Balance Due as of 12/12/2016****245.50**

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83301  
Phone: (208) 736-4020  
Fax: (208) 736-4120

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

2016 JAN 29 AM 10:55

BY \_\_\_\_\_

CLERK  
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

SCOTT CAMERON FREELAND,  
a.k.a. SCOTT FREELAND,  
a.k.a. SCOTT CAMERON LYNCH,  
a.k.a. SCOTT HARMON,  
a.k.a. SCOTT CARMEN HARMON,  
a.k.a. STEVEN FRANKLIN,  
a.k.a. SCOTT CAMRON FREELAND,

Defendant.

Case No. CR42-16-1074

CRIMINAL COMPLAINT

DOB [REDACTED]  
SSN [REDACTED]

CR42-16-1074  
NCRM  
Initiating Document - Criminal  
52265



Personally appears before me this 29 day of January, 2016, Stanley Holloway, Deputy  
Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this complaint, pursuant to  
Idaho Criminal Rule 3 and based upon the attached sworn affidavit, that SCOTT CAMERON  
FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT  
HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT  
CAMRON FREELAND, did commit the following:

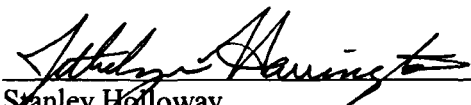
**COUNT I**  
**UNLAWFUL POSSESSION OF A FIREARM**  
**Felony, I.C. 18-3316**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND LORRAINE ARAGON, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did possess and/or have under his control a firearm, to-wit: a Ruger LC9 handgun, knowing that he has been convicted of Possession of a Controlled Substance, a felony crime, in Twin Falls County, case number CR-2011-2618, in violation of Idaho Code Section 18-3316.

**COUNT II**  
**GRAND THEFT BY POSSESSION OF STOLEN PROPERTY**  
**Felony, I.C. 18-2403(4), 18-2407(1), 18-2409**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND LORRAINE ARAGON, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did knowingly possess stolen property, to-wit: a Ruger LC9 handgun, the property of Mike Maxwell, knowing the property to have been stolen, or under circumstance as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property, in violation of Idaho Code Sections 18-2403(4), 18-2407(1), 18-2409.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

  
\_\_\_\_\_  
Stanley Holloway  
Deputy Prosecuting Attorney

Signed before me this 29 day of January, 2016.

  
\_\_\_\_\_  
Judge

Prosecuting Attorney  
for Twin Falls County  
Twin Falls, Idaho 83303

ORIGINAL  
DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

1600546  
2016 JAN 29 AM 10:55

BY \_\_\_\_\_  
CLERK

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF ~~TWIN FALLS~~ DEPUTY

MAGISTRATE DIVISION

STATE OF IDAHO, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Freeland Scott Cameron, )  
 DOB: [REDACTED] )  
 SS: [REDACTED] )  
 )  
 Defendant. )  
 )  
 \_\_\_\_\_ )

AFFIDAVIT IN SUPPORT OF  
COMPLAINT

STATE OF IDAHO, )  
 ) ss.  
County of Twin Falls )

I, Dusty D Solomon, being first duly sworn, state that my answers to the questions asked by the Court with reference to said Complaint are as follows:

1. Did you personally observe the act(s) being committed as alleged in the Complaint?

ANSWER: Yes.

2. Please state the information which gives you reason to believe

- AFFIDAVIT



the above-named defendant committed the crime(s) alleged in the Complaint.

ANSWER: On January 28, 2016 at 22:37, I was dispatched to 443 2<sup>nd</sup> Avenue North in the City and County of Twin Falls, State of Idaho, regarding a male subject who would not leave the property and was possibly causing a disturbance. I was informed that on January 27, 2016, the homeowner, identified as Mike Maxwell, had filed a theft report listing the male subject, identified as Scott Freeland, as the suspect.

Upon arrival, I observed a male subject, later identified as Freeland, in a conversation with an adult female on the front porch. When he saw us he immediately reached for his pockets, but stopped when ordered not to do so. The male subject came down from the porch and remained with Officer Jerry Hutchison while I entered the house to speak with Maxwell. I left the door open so I could overhear what was going on outside in the event that I needed to assist Officer Hutchison.

I learned from Maxwell that Freeland had been a tenant on his property living in a residence behind his house. Maxwell stated that Freeland had moved out two weeks prior, at which point the Maxwell's noticed they were missing items, including a Ruger LC9 handgun and several expensive watches. Maxwell shared that when they entered the residence after Maxwell left they found their 9mm bullets in the house where he lived as well as a box to one of the missing watches and several hand tools. Maxwell told me that when they approached Freeland about these missing items, Freeland made up a story claiming that other people must have taken them.

- AFFIDAVIT

Maxwell had filed a report earlier with Officer Samir Smirko regarding the theft of these items from his home. Maxwell requested that I find out if Freeland had the missing items that had been reported stolen.

I went outside to speak with Freeland. Freeland had already been advised of his Miranda Rights by Officer Hutchison. Freeland stated that he would never steal anything from the house and claimed that the items had probably been stolen by a female friend of his named Danielle who had left for Oregon.

Freeland was wearing a large jacket and it was obvious there were things in his pockets. Freeland offered to empty his pockets for us. While he was doing so, Freeland was holding his right arm very carefully and appeared to be protecting his side. Officer Hutchison immediately turned him around and patted down the outside of his clothing. When he reached Freeland's right hip, Officer Hutchison immediately recognized a gun that Freeland had concealed underneath his jacket.

Freeland was immediately placed into custody and the gun was obtained. Upon running the information, it was learned that this was the gun that Maxwell had reported stolen. The laser site on the gun had been removed and the gun was in a holster that did not belong to Maxwell. The magazine in the gun was fully loaded with seven 9mm rounds.

Freeland stated that one of Danielle's friends, identified as Mike, had given him the gun in exchange for some tattoo equipment. Freeland was adamant that he had not stolen anything from the Maxwell

- AFFIDAVIT



home and that he did not know the whereabouts of any of the other missing items.

After reviewing Freeland's criminal history, it was discovered that he had numerous felony convictions that would prohibit him from being in possession of a firearm. Freeland was transported to the Twin Falls County Criminal Justice Facility where he was booked on a felony charge of Felon in Possession of a Firearm and a felony charge of Grand Theft by Possession.

3. What further information do you have giving you reasonable grounds to believe that the Defendant committed the crime(s) alleged?

ANSWER: I have nothing further at this time.

4. Do you believe a warrant should be issued?

ANSWER: No, the defendant is currently in custody.

5. Set out any information you have, and its source, as to why a warrant instead of a summons should be issued?

ANSWER: There is no need for a warrant at this time. The defendant is currently in custody.

See attached Warrant Information Page.

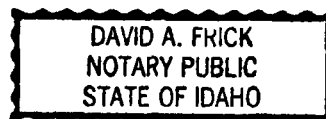
- AFFIDAVIT

DATED this 29th day of January, 2016.

Duoty Solom  
Affiant

Subscribed to and sworn before me this 29th day of January, 2016.

DAVID A. FRICK  
NOTARY PUBLIC  
Residing at: Twin Falls, Idaho  
My commission expires: 03/07/2018



- AFFIDAVIT

WARRANT INFORMATION

DEFENDANT(S) Scott Cameron Freeland

Factors to be considered in setting bond on Warrant.

1. The residence of the Defendant.

The defendant claims that he is homeless.

2. The employment of the Defendant.

The defendant stated that he is on medical leave.

3. The family relationship of the Defendant in the Community.

The defendant's family relations are unknown.

4. The past history of response of the Defendant to legal process.

The defendant's past history consists of multiple violation of parole, multiple probation violations, multiple misdemeanor and felony warrant arrests, failure to appear on felony charge, felony to appear-work release, felony escape jail, misdemeanor escape, and multiple fugitive arrests.

5. The past criminal record of the Defendant.

The defendant's criminal history consists of multiple Violation of Parole, multiple Felony Possession of Controlled Substance, multiple Possession of Paraphernalia, Under the Influence of Controlled Substance, Sell Needle Without Permit, multiple Driving Without Privileges, multiple Felony Possession of Stolen Property, Carry Concealed Weapon, Felony Possession of Controlled Substance While Armed, multiple Felony Transport Controlled Substance, multiple Felony Possess/Manufacture/Sell Dangerous Weapon, Possession of Burglary Tools, multiple Possession of Hypodermic Needle, Carry Concealed Weapon in Vehicle, multiple Felony Vehicle Theft, Contribute to the Delinquency of a Minor, Felony Escape Jail, multiple Obstructing, Possession Sawed-Off Shotgun, Felon Possession of Firearm, Failure to Appear on Felony Charge, multiple False Information to a Peace Officer, Petit Theft, multiple Fugitive

- AFFIDAVIT

Arrest, multiple Burglary, Robbery, Knife in Commission of Felony, Possession of Weapon, Grand Theft, Felony Pass Forged, multiple Probation Violations, Frequenting, Misdemeanor Escape, Failure to Appear-Work Release, multiple Felony Warrant Arrests, multiple Misdemeanor Warrant Arrests, Battery, and Fail to Purchase Driver's License.

6. The nature of the offense charged.

Felon Possession of Firearm, 18-3316, Felony  
Grand Theft by Possession, 18-2407(1), Felony

7. Whether there is reasonable cause to believe that the Defendant will flee prosecution or will fail to respond to a Summons.

After reviewing the defendant's criminal history, there is a documented tendency to flee and not appear.

8. Any other information justifying a Warrant.

The defendant claims to be homeless and would not give an address where he could be located.

- AFFIDAVIT

# Twin Falls County Sheriff's Office

## Inmate Screening Report

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

2016 JAN 29 AM 7:56



Inmate No. 160112 Name FREELAND, SCOTT CAMERON

Race W Sex M

Booking No. 1600000296

DOB [REDACTED]

BY [Signature]  
CLERK  
DEPUTY

### Question:

### Answer: Comments:

I want to be represented by an attorney in this case and I can not afford to hire one.

Y

I understand that it is important for me to be truthful in answering questions and providing information in this form

Y

I understand if I am not truthful I may be subject to penalties for perjury

Y

I understand that the information in this form can not be used against me in an criminal case, except

Y

To dispute the truth of my testimony if I choose to testify in court.

Y

Or in a prosecution for perjury or contempt if I provide information in this form that I know is false

Y

What is your phone number?

Y 208-751-7700

Are you employed?

Y

What is the name and address of your employer?

Y SCOOTERS, 2ND AVE

What month and year did you last work?

Y 8/2015

How much did you earn per month?

Y \$1000.00

Are you married? What is your spouses name?

N

Is your spouse employed?

N

Where is your spouse employed?

N

How much does your spouse earn per month?

N

Are you currently serving a sentence of incarceration for a crime for which you have been found guilty?

N

Do you or any of your dependents recieve public assistance? Such as

Y

Social Security(SSI), Medicaid, AFDC, Food Stamps, or child care assistance

Y \$180.00

List the persons that recieve the asistance, including name, relationship, type and amount.

N

In the last 12 months, have you received any income from a business, profession or other form of self employment?

N

Do you have income from rentals, interest, dividends, annuity payments, or any other sources?

N

CR42-16-1074  
SISR  
Sheriff's Inmate Screening Report  
52267



# Twin Falls County Sheriff's Office

## Inmate Screening Report



Identify the source and amount of this income

N

Do you have any cash, a savings or checking account?

Y

What is the total amount?

Y CHECKING, 25.00

Do you own any homes or land?

N

In what County and State is the Property?

N

What is the value of the property, subtracting any amount you owe?

N

Do you own any Stocks, Bonds, Notes, Coins or precious metals?

N

List the type and value of this property

N

Do you own any vehicles?

N

List Year, Make, Model and value of vehicles

N

Do you own any other items in excess of \$1000 excluding household furnishings and clothing?

N

List the property and value

N

Do you receive child support payments for any of the dependents listed?

N

List the child's name and monthly support received

N

List your Debts and the monthly amount paid

Y \$650.00

  
Inmate Signature

Officer ID 2363

Name OWEN, RON

Date 10/14/1961 00:00

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF 28  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
MAGISTRATE DIVISION

ARRAIGNMENT MINUTES

Date 1/29/16 Time 1:00pm Counter 139 BY [Signature]  
Judge Campbell Deputy Clerk S. A. Zueco Interpreter \_\_\_\_\_ Case No. CR42-16-1074 Ctrm # 3

State of Idaho

Attorney Austin

vs

Attorney Dillman

Scott Freeland

Offense: Unlawful possession of a firearm by convicted felon

Grand theft by possession of stolen property

☒ Appeared in person ☐ Border Patrol Hold ☒ Bond 75000 ☐ per warrant(s) ☐ to be held without bond  
☐ OR release ☐ To serve \_\_\_\_\_ days per warrant ☐ Walk In Arraignment/Summons ☐ Bond previously posted  
☐ Court Compliance program

☐ Failed to appear ☐ Warrant issued ☐ Forfeit previous bond ☐ Bond \_\_\_\_\_

☒ Complaint read ☐ Probation violation read ☐ Defendant waived reading of probation violation  
☒ Rights and penalties given ☒ Rights form signed ☒ Rights and penalties understood

☒ Defendant waived counsel ☐ Private counsel \_\_\_\_\_ ☐ to hire  
☒ Public defender appointed ☐ Public defender denied ☐ Public defender confirmed/continued

☐ Plead not guilty ☐ Pretrial \_\_\_\_\_  
☐ Plead guilty ☐ Court trial \_\_\_\_\_  
☐ Court accepted plea ☐ Jury trial \_\_\_\_\_  
☐ Sentencing \_\_\_\_\_  
☒ Prelim 12.05.16 @ 8:15am  
☐ Fugitive (identity) \_\_\_\_\_  
☐ Arraignment \_\_\_\_\_

☐ Hearing to be set ☐ Other \_\_\_\_\_

☐ PV - admit ☐ Admit/Deny \_\_\_\_\_  
☐ PV - deny ☐ Evidentiary \_\_\_\_\_  
☐ Disposition \_\_\_\_\_

Conditions of bond/OR release/probation:

☐ Check in with public defender immediately upon release  
☐ Check in with court compliance officer; Pay costs associated with court compliance  
☐ SCRAM unit authorized ☐ GPS unit authorized  
☐ Court entered no contact order  
☐ To be transported to \_\_\_\_\_ ☐ Report to jail - book and release order

CR42-16-1074  
CMIN  
Court Minutes  
52353



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
MAGISTRATE DIVISION

BY \_\_\_\_\_ CLERK

STATE OF IDAHO,

Plaintiff,

vs.

Ireland, Scott

Defendant.

CASE NO: CR42-16-1074 DEPUTY

NOTIFICATION OF RIGHTS-  
FELONY

The purpose of this initial appearance is to advise you of your rights and charge(s) against you.

- You have the right to be represented by an attorney at all times.
- If you want an attorney, but cannot pay for one, the court will appoint one to help you. If you are found guilty or plead guilty, you may be ordered to reimburse Twin Falls County for the cost of your defense.
- You have the right to remain silent. Any statement you make could be used against you.
- You have the right to bail.
- You have the right to a preliminary hearing before a judge.
- The purpose of a preliminary hearing is to determine whether probable cause exists to believe you have committed the crime(s) charged. A preliminary hearing is not a trial to decide guilt or innocence.
- You can cross-examine all witnesses who testify against you.
- You can present evidence, testify yourself if you wish, and have witnesses ordered to testify by subpoena.
- If the court finds probable cause exists that you committed the crime(s) charged, or if you waive your preliminary hearing, you will be sent to the District Court for arraignment.

If you have any questions about the charge(s), about your rights or the court process, don't hesitate to speak up. It is important that you understand.

**Acknowledgment of Rights**

I have read this entire document and I understand these rights as set forth above.

1/29/16  
Date

S. Ireland  
Defendant's signature

NOTIFICATION OF RIGHTS-1

CR42-16-1074  
NOTR  
Notification of Rights  
52352





Filed: \_\_\_\_\_, at \_\_\_\_\_, \_\_\_\_\_.m.  
Fifth Judicial District, Twin Falls County  
Kristina Glasgow, Clerk of the Court

TWIN FALLS CO. IDAHO  
FILED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
2016 JAN 29 PM 2:29

State of Idaho  
Plaintiff,

vs.

Scott Cameron Freeland  
Defendant.

Case No. CR42-16-1074

Order Appointing Public Defender  
I.C. §19-854

Event Code: ORPD

Defendant requested appointment of counsel at public expense. The Court finds Defendant indigent pursuant to I.C. § 19-854. The public defender is ordered to represent Defendant in all matters pertaining to this action. Defendant may be required to reimburse the county for all or a portion of the costs of representation.

**IT IS SO ORDERED.**

Dated: January 29, 2016

Judge

### CERTIFICATE OF SERVICE

I certify that on January 29, 2016, I served a copy of the attached to:

Public Defender

☒ By email

Grant P Loeb  
Po Box 126  
Twin Falls Id 83303-0126

☒ By email

By:

Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho  
vs.  
Scott Cameron Freeland  
443 2nd Ave N #B  
Twin Falls ID 83301

Case No. CR42-16-1074

BY

Notice of Hearing

CLERK  
DEPUTY

Event Code: NOTH

**NOTICE IS HEREBY GIVEN** that the above-entitled case is hereby set for:

<u>Hearing Type</u>	<u>Date</u>	<u>@</u>	<u>Time</u>	<u>Judge</u>
Preliminary Hearing	February 05, 2016		08:15 AM	Calvin H. Campbell

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Box, Campbell, Cannon, Dolan, Duff, Evans, Haemmerle, Harris, Hodges, Holloway, Ingram, Israel, Kershaw, Redman, Robinson, and K. Walker.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: January 29, 2016

By: Shawna Denton  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on January 29, 2016, I served a copy of the attached to:

X S. Freeland

Public Defender

☒ By email

Grant P Loebs  
PO Box 126  
Twin Falls ID 83303-0126

☒ By email

Scott Cameron Freeland  
443 2nd Ave N #B  
Twin Falls ID 83301

☒ By personal delivery

By: Shawna Denton  
Deputy Clerk



OFFICE OF THE PUBLIC DEFENDER  
Attorneys at Law  
P.O. Box 126  
Twin Falls, Idaho 83303-0126  
Telephone: (208) 734-1155  
Fax: (208) 734-1161

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	Case No. CR-42-16-1074
vs.	)	
	)	RESPONSE TO REQUEST
SCOTT FREELAND,	)	FOR DISCOVERY
	)	
Defendant.	)	
_____	)	

COMES NOW, the Defendant, by and through his/her attorney and submits the  
following Response to Request for Discovery:

1. The Defendant has no copy or photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are intended to be produced as evidence at trial at this time.
2. The Defendant has no copy of photograph results or reports of physical or mental examinations, scientific tests of experiments made in connection with this case that the Defendant intends to provide as evidence at trial at this time.
3. The defense may call the Defendant in this action; Randy Towell, Investigator for the Office of the Public Defender in addition to those witnesses listed in the State's Response to Discovery and Supplemental Response to Discovery, if any. Defendant objects to the remainder of information requested as beyond the scope of permissible Discovery under I.C.R. 16.

4. That in the event the Defendant discovers additional evidence or witnesses to be called at trial, prior to and during trial, evidence will be subjected to inspection by the Prosecuting Attorney, and Defendant reserves the right to file Supplemental Responses with respect to any additional evidence or witnesses.

5. In response to the Prosecution's request for notice of alibi, the Defendant requests written notice of the exact location of the subject offense or offenses.

DATED this 2nd day of February, 2016.

OFFICE OF THE PUBLIC DEFENDER

/S/ Marilyn B. Paul  
MARILYN B. PAUL  
Chief Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing RESPONSE TO REQUEST FOR DISCOVERY to be forwarded, via E-Mail [inbox.pros@co.twin-falls.id.us](mailto:inbox.pros@co.twin-falls.id.us), to the office of the Prosecuting Attorney, County of Twin Falls, Idaho, on the 2nd day of February, 2016.

/S/ Kyle Kovar  
KYLE KOVAR  
Office Manager/Legal Assistant

OFFICE OF THE PUBLIC DEFENDER

Attorneys at Law

P.O. Box 126

Twin Falls, Idaho 83303-0126

Telephone: (208) 734-1155

Fax: (208) 734-1161

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR-42-16-1074
	)	
v.	)	REQUEST FOR DISCOVERY
	)	
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

TO: GRANT P. LOEBS, Prosecutor for the County of Twin Falls, State of Idaho,  
and his agents:

The Defendant in the above-entitled case by and through his/her attorney, Marilyn B. Paul, and her agents, does hereby request, pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1) Pursuant to Idaho Code §18-6708, Rule 16 of the Idaho Criminal Rules, Article 1 §13 of the Idaho Constitution, the Fifth and Fourteenth Amendments of the United States Constitution, and United States Code Annotated 18-2518, the Defense requests immediate disclosures of the dates and times of any interceptions of any wire or oral communications of Defendant, the contents of any wire or oral communications of Defendant

or evidence derived therefrom, a copy of the application and Order authorizing interception of any oral or wire communications of defendant, the date of the entry and the period authorized, any authorization to intercept wire or oral communications of Defendant or intercept surveillance of telephones listed in Defendant's name, or at Defendant's home or place of business.

2) The Defense requests access to the original tapes of all taped telephone contacts and/or "body wire" surveillance contacts by any person at any time with the Defendant and/or other persons during the course of the criminal investigation of the Defendant.

3) The Defense requests to be a copy of any written agreement of cooperation with any witness expected to be called at trial or who were utilized in the investigation of this criminal action, any and all Confidential Informant supervision documents, full records of payment to any Confidential Informant, police reports of any crimes in which any State's witness was suspect, the identity of any probation and/or parole officer that was supervising any State's witness, and any and all probation and/or parole records pertaining to any State's witness.

4) Any material or information within your possession or control, or which hereafter comes into your possession or control, which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefore. This request extends to material and information in the possession or control of members of your staff and of any others who have participated in the investigation or evaluation of the case who either regularly report, or with reference to the particular case have reported to the office of the prosecuting attorney;

5) Any relevant written or recorded statements made by the Defendant, or copies thereof, within the possession, custody, or control of the State the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and also the substance of any relevant oral statement made by the Defendant whether before or after arrest to a peace officer, prosecuting attorney, or his agent; and any recorded testimony of the Defendant before a grand jury which relates to the offense charged;

6) The prior criminal record of the Defendant, if any, as is now or may become available to the prosecuting attorney;

7) Any written or recorded statements of a co-defendant; including but not limited to the substance of any relevant oral statements made by a co-defendant, whether before or after arrest in response to interrogation by any person.

8) Any books, papers, documents, photographs, tangible objects, buildings or places, or copies or portions thereof, which are in the possession, custody, or control of the prosecuting attorney which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the Defendant;

9) Any results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with a particular case, or copies thereof, within the possession, custody, or control of the prosecuting attorney, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence;

10) A written list of the names and addresses of all persons having knowledge of relevant facts who may be called by the state as witnesses at the trial, together with any record of prior convictions of any such person which is within the knowledge of the prosecuting attorney or his agents or to any official involved in the investigatory process of

the case;

11) The statements made by the above listed prosecution witness or any prospective prosecution witnesses to the prosecuting attorney or his agents or to any official involved in the investigatory process of this case.

12) Any reports and memoranda in your possession which were made by a police officer or investigator in connection with the investigation or prosecution of the case. For all law enforcement notes including handwritten notes.

13) The Defense requests pursuant to Idaho Rule of Criminal Procedure 16(b)(8) and I.R.E. 705 that the Prosecution provide the Defense with the qualifications of any person to be tendered as an expert witness in this prosecution pursuant to IRE 702; the facts and data upon which the offered expert bases any opinion or inference they will be offering in this prosecution; a complete content of any expert opinion the prosecution will offer as assisting the trier of fact to understand the evidence or determine any fact at issue in this criminal prosecution.

Defendant requests that the above information be delivered to counsel within fourteen (14) days of the date of this request, or if not deliverable, the undersigned requests permission to inspect and copy said information, evidence and materials on the 16th day of February, 2016, at the hour of 3:00 P.M.

DATED This 2nd day of February, 2016.

PUBLIC DEFENDER'S OFFICE

/S/ Marilyn B. Paul  
MARILYN B. PAUL  
Chief Public Defender



CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing  
REQUEST FOR DISCOVERY AND INSPECTION to be delivered by E-Mail  
inbox.pros@co.twin-falls.id.us to the office of Grant Loebs on the 2nd day of February, 2016.

/S/ Kyle Kovar  
KYLE KOVAR  
Officer Manager/Legal Assistant

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

2016 FEB -2 PM 1:53

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83301  
Phone: (208) 736-4020  
Fax: (208) 736-4120

BY [Signature] CLERK  
DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	AMENDED CRIMINAL COMPLAINT
	)	
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	DOB [REDACTED]
	)	SSN: [REDACTED]
	)	
	)	

CR42-16-1074  
CRCO  
Criminal Complaint  
63335



Personally appears before me this 2<sup>nd</sup> day of February, 2016, Stanley Holloway,  
Deputy Prosecuting Attorney, Twin Falls County, State of Idaho, and presents this amended  
complaint, pursuant to Idaho Criminal Rule 3 and based upon the attached sworn affidavit, that  
SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON  
LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN  
FRANKLIN a.k.a. SCOTT CAMRON FREELAND, did commit the following:

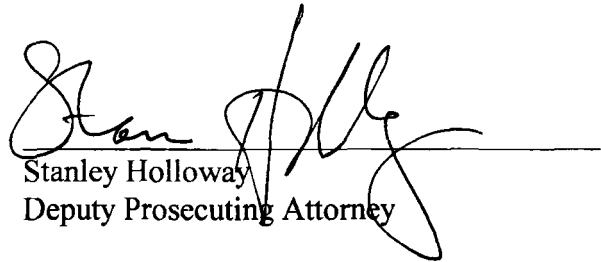
**COUNT I**  
**UNLAWFUL POSSESSION OF A FIREARM**  
**Felony, I.C. 18-3316**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did possess and/or have under his control a firearm, to-wit: a Ruger LC9 handgun, knowing that he has been convicted of Possession of a Controlled Substance, a felony crime, in Twin Falls County, case number CR-2011-2618, in violation of Idaho Code Section 18-3316.

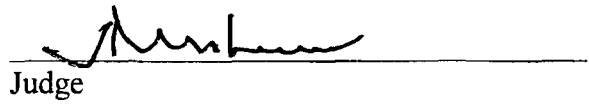
**COUNT II**  
**GRAND THEFT BY POSSESSION OF STOLEN PROPERTY**  
**Felony, I.C. 18-2403(4), 18-2407(1), 18-2409**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did knowingly possess stolen property, to-wit: a Ruger LC9 handgun, the property of Mike Maxwell, knowing the property to have been stolen, or under circumstance as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property, in violation of Idaho Code Sections 18-2403(4), 18-2407(1), 18-2409.

All of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the State of Idaho.

  
Stanley Holloway  
Deputy Prosecuting Attorney

Signed before me this 2 day of February, 2016.

  
Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on February 2, 2016, I served a copy of the foregoing

**AMENDED CRIMINAL COMPLAINT TO THE FOLLOWING:**

**Stanley Holloway**

☐ **E-Serve**  
☒ **Court Folder**  
☐ **E-mail** [inbox.pros@co.twin-falls.id.us](mailto:inbox.pros@co.twin-falls.id.us)  
☐ **U.S. Mail**  
☐ **Fax**

**Office of the Public Defender**

☐ **E-Serve**  
☒ **Court Folder**  
☐ **E-mail** [tfcpubdef@tfco.org](mailto:tfcpubdef@tfco.org)  
☐ **U.S. Mail**  
☐ **Fax**

  
\_\_\_\_\_  
Deputy Clerk

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>REQUEST FOR DISCOVERY</b>
	)	
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

TO: OFFICE OF THE PUBLIC DEFENDER, Attorney of Record for the above-named defendant.

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and does hereby request,

pursuant to Rule 16 of the Idaho Criminal Rules, discovery and inspection of the following information, evidence, and materials:

1. To furnish the Prosecuting Attorney's Office with copies of any photograph books, papers, documents, photographs, tangible objects or copies or portions thereof, which are within the possession, custody, or control of the defendant, and which defendant intends to introduce in evidence at the trial.

2. To provide the Prosecuting Attorney's Office with copies of any results or reports of physical or mental examinations and scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce in evidence at the trial or which were prepared by a witness whom the defendant intends to call at the trial when the results or reports relate to testimony of the witness.

3. To furnish the Prosecuting Attorney's Office a list of names, addresses, and phone numbers of witnesses he intends to call at trial as well as a detailed summary of said witness' expected testimony.

4. Please provide, pursuant to I.R.E. 705, the names, addresses and credentials of expert witnesses expected to testify at the trial of this cause. Also set forth the facts and data upon which the expert(s) will rely, and the opinion(s) to be given by such expert(s).

5. That if, subsequent to compliance with this request and prior to or during trial, the defendant discovers additional witnesses, or decides to use any additional evidence, or witnesses, and such evidence is or may be subject to discovery and inspection under prior order of this court, that the defendant promptly notify the Prosecuting Attorney's Office and the court of the existence of additional evidence and/or names of additional witnesses to allow the State to make

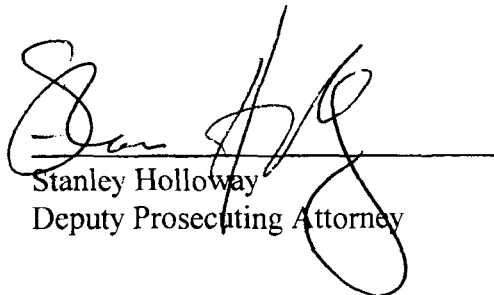
an appropriate motion for additional discovery or inspection.

In addition to the above requested information pursuant to Rule 16 of the Idaho Criminal Rules, Grant P. Loebbs, Prosecuting Attorney for Twin Falls county, hereby request, pursuant to Rule 12.1 and Idaho Code Section 19-519, the defendant to furnish to the Prosecuting Attorney's Office within ten (10) days or at such other time as the court directs, Defendant's Notice of Alibi and Notice of Defense of Alibi stating specifically the place or places at which the defendant claims to have been at the time of the alleged offense(s) and the name(s) and address(es) of the witness(es) upon whom he intends to rely to establish such alibi.

In addition if prior to or during trial defendant learns of additional witnesses whose identity should have been included as required in Subsection 1 of Idaho Code Section 19-519, the defendant shall promptly notify the Prosecuting Attorney's Office of the existence and identity of the witnesses.

The undersigned further requests permission to inspect and copy said information, evidence, and materials if they have not been received in this office within two weeks of the date of this request.

DATED February 2, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney

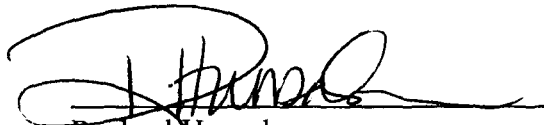


**CERTIFICATE OF SERVICE**

I hereby certify that on February 2<sup>nd</sup>, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

**REQUEST FOR DISCOVERY**

<input checked="" type="checkbox"/>	<b>E-Serve</b>
<input type="checkbox"/>	<b>Court Folder</b>
<input type="checkbox"/>	<b>E-mail</b>
<input type="checkbox"/>	<b>U.S. Mail</b>
<input type="checkbox"/>	<b>Fax</b>

  
Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>RESPONSE TO REQUEST FOR</b>
	)	<b>DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following response to the Request for Discovery pursuant to Idaho Criminal Rule 16:

The State of Idaho has complied with such request by:

A. Providing any material or information within the prosecuting attorney's possession or control which tends to negate the guilt of the accused as to the offense charged or which would tend to reduce the punishment therefor.

B. Providing copies of reports and memoranda in possession of the prosecuting attorney which were made by a police officer or investigator in connection with the investigation or prosecution of the case.

C. Providing a copy of the defendant's prior criminal record that is within the knowledge of the prosecuting attorney.

D. Providing copies of statements made by prosecution witnesses or prospective prosecution witnesses to the prosecuting attorney or the prosecuting attorney's agents or to any official involved in the investigatory process of this case, unless a protective order is issued as provided in Criminal Rule 16 (k).

E. Providing a written summary or report of any testimony that the State intends to introduce pursuant to Rules 702, 703 or 705 of the Idaho Rules of Evidence at trial or hearing.

F. Providing pages DI-1086. Although the State has made every effort to fully comply with its duty to disclose evidence pursuant to Idaho Criminal Rule 16, that does not alleviate the defendant or defense counsel of his/her responsibility to inspect and or copy evidence mentioned in sections G and H.

G. Permitting the defendant to inspect and copy or photograph any relevant written or recorded statements made by the defendant that are in the possession, custody or control of the State, the existence of which is known or is available to the prosecuting attorney by the exercise of due diligence; and the substance of any relevant, oral statement made by the defendant

whether before or after arrest to a peace officer, prosecuting attorney or the prosecuting attorney's agent; and the recorded testimony of the defendant before a grand jury which relates to the offense charged.

H. Permitting the defendant to inspect and copy or photograph any written or recorded statements of a co-defendant; and the substance of any relevant oral statement made by a co-defendant whether before or after arrest in response to interrogation by any person known by the co-defendant to be a peace officer or agent of the prosecuting attorney. The defendant is permitted to inspect and copy or photograph books, papers, documents, photographs, tangible objects, buildings, or places, or copies or portions thereof, which are in the possession, custody or control of the prosecuting attorney and which are material to the preparation of the defense, or intended for use by the prosecutor as evidence at trial, or obtained from or belonging to the defendant. If these items exist, they are disclosed in the State's discovery response and attachments (see section F above) and in any supplemental responses and attachments.

I. Permitting the defendant to inspect and/or copy the items mentioned in sections G and H, which are in the possession of the following prosecuting/police agencies:

Twin Falls County Prosecuting Attorney's Office, Twin Falls County Sheriff's Office

Twin Falls Police Department

---

Reasonable arrangements for inspection and/or copying materials within the possession of the Twin Falls County Prosecuting Attorney's Office may be made by phoning (208) 736-4020.

In order to assist in facilitating the defendant/defense counsel in the inspection/copying of

the materials mentioned in sections G and H, the State has provided a release.

J. Providing the following substance of any relevant oral statements made by a defendant or co-defendant to the Twin Falls County Prosecuting Attorney or his agents:

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K. Providing the following witness list:

WITNESS

ADDRESS

All persons listed on the chain of custody sheets attached to evidence in this case

Don Thueson, Twin Falls County Prosecutor's Office

Mike Maxwell

Dusty Solomon

Terry Hutchinson

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Any prior felony convictions of these individuals that are within the knowledge of the prosecuting attorney are attached with the documents in subsection F.

The State reserves the right to call any of the above listed witnesses and use any of the evidence referred to in this Response to Discovery, Supplemental Response(s) to Discovery, and the accompanying attachments of those documents at trial.

L. Providing:

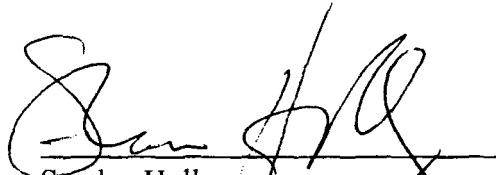


a redacted copy of the discovery printed on white paper as well as unredacted copy of the discovery printed on paper of a color that is clearly distinguishable from white paper

☐ an e-mailed copy of discovery to \_\_\_\_\_.

The State reserves the right to supplement discovery as information becomes available and to call any or all witnesses listed by the Defense.

DATED February 2, 2016.

  
\_\_\_\_\_  
Stanley Holloway  
Deputy Prosecuting Attorney

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
PO Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

**RELEASE**

Twin Falls County Case No: CR 42-16-1074  
Defendant: SCOTT CAMERON FREELAND  
SCOTT CAMERON FREELAND,  
a.k.a. SCOTT FREELAND,  
a.k.a. SCOTT CAMERON LYNCH,  
a.k.a. SCOTT HARMON,  
a.k.a. SCOTT CARMEN HARMON,  
a.k.a. STEVEN FRANKLIN,  
a.k.a. SCOTT CAMRON FREELAND,

Agency: TF Police Department, TFCSO  
LEN: 1600546  
DOB: [REDACTED]  
SSN or DLN: [REDACTED]  
Charge: Unlawful Possession of a  
Firearm; II: Grand Theft by  
Possession of Stolen Property  
Date of Offense: 01/28/16  
Officer(s): D. Solomon

To: The Twin Falls Police Department and/or the Twin Falls County Sheriff's Office

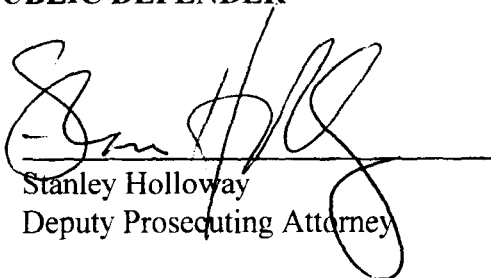
The Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, pursuant to Idaho Criminal Rule 16(b), hereby discovers and allows the person(s) authorized below to inspect and copy or photograph all video tapes, audio tapes, photographs, tangible objects, buildings, or places or copies or portions thereof, which are in the custody of the above referenced agency(ies) and which specifically relate to the above referenced Case Number and/or Citation number.

**This release does not include the right to inspect or copy books, papers, or documents, nor does it include the right to copy or inspect photographs or materials containing child pornography or recordings involving confidential informants or telephone calls from the Twin Falls County Criminal Justice Facility. Arrangements must be made directly with the Twin Falls County Prosecuting Attorney's office to inspect or copy those items.**

This inspection and copying shall be done at the convenience of the law enforcement agency and the requesting party. The law enforcement agency shall have a reasonable amount of time to accommodate requests.

Access is allowed to: **OFFICE OF THE PUBLIC DEFENDER**

DATED February 2<sup>nd</sup>, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney

**Please take this release to the Law Enforcement Agency(ies) in order to view and/or request copies. Please call ahead for an appointment. Thank You!!!**

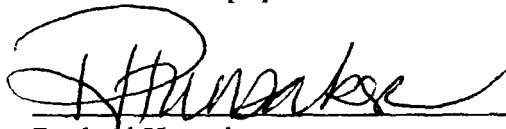
**CERTIFICATE OF SERVICE**

I hereby certify that on February 2nd, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

<b>RESPONSE TO REQUEST FOR DISCOVERY</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>

<input checked="" type="checkbox"/> <b>Unredacted copy of Discovery</b>	<input type="checkbox"/>	<b>E-Serve</b>
	<input checked="" type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>

<input checked="" type="checkbox"/> <b>Redacted copy of Discovery</b>	<input checked="" type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>

  
Rachael Hunsaker  
Legal Assistant



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BANNACK, IDAHO  
MAGISTRATE DIVISION

MINUTES FOR PRELIMINARY HEARING 2016 FEB -5 PM 2:51

DATE 2-5-16 TIME 8:15 COUNTER 849 / 1125 CASE NO. CR42-16-1074

JUDGE Campbell DEPUTY CLERK S. Agredo INTERPRETER J. Petrusen CLERK Harris CTRM # 5

THE STATE OF IDAHO,

ATTY: L. Holloway

vs.

Scott Free land

ATTY: PO Essma

☒ In Custody ☐ Not Present ☐ Failed to Appear ☐ Warrant Bond Amount \$ ☐ Forfeit Previous Bond

OFFENSE: 1) Unlawful Poss by Convicted Felon (weapon)  
2) Theft by Receiving, Poss or Disposing Stolen Property

☒ COURT REVIEWED FILE ☐ COURT READ THE COMPLAINT  
☐ DEFENDANT WAIVED PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED  
☐ DEFENDANT WAIVED SPEEDY PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED  
☐ COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER  
☐ WRITTEN OFFER FILED  
☐ DEFENDANT WAS BOUND OVER TO DISTRICT COURT  
☐ STATE DISMISSED CHARGE(S)  
☐ STATE FILED AMENDED COMPLAINT ☐ COURT ARRAIGNED DEFENDANT  
☐ STATE AMENDED CHARGE(S) TO

CONTINUED:

☒ STATE / DEFENSE REQUESTED A CONTINUANCE ☐ STIPULATION ☐ OBJECTION  
☒ CONTINUED TO 2-26-16 @ 8:15 AM WITH JUDGE Campbell

HEARING:

☐ PRELIMINARY HEARING TO BE HELD ☐ SEE PAGE 2  
☐ COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES ☐ COURT GRANTED  
☐ DEFENDANT BOUND OVER AFTER PRELIM  
☐ DEFENDANT BOUND OVER AFTER PRELIM ON AMENDED CHARGE OF  
☐ CASE DISMISSED AFTER PRELIM

BOND:

☐ DEFENSE MOVED FOR BOND REDUCTION  
☐ STATE OBJECTED ☐ STIPULATION ☐ ARGUMENT PRESENTED  
☐ BOND WILL REMAIN AS PREVIOUSLY SET ☐ O.R. RELEASE  
☐ BOND RESET AT \$ (BOND AMOUNT IS FOR THIS CASE ONLY)  
☐ COURT SIGNED ORDER FOR COURT COMPLIANCE  
☐ DEFENDANT TO REPORT IMMEDIATELY UPON RELEASE  
☐ OTHER CONDITIONS OF BOND

REDUCED:

☐ STATE REDUCED THE CHARGE(S) TO MISD  
☐ COURT ARRAIGNED THE DEFENDANT ON MISD CHARGE  
☐ DEFENDANT ENTERED GUILTY PLEA TO REDUCED CHARGE  
☐ COURT ACCEPTED PLEA ☐ SET FOR SENTENCING ON

CIVIL:

☐ WAIVER OF EXTRADITION ☐ RESET FOR STATUS ☐ DISMISSED

COMMENTS: \* Due to Defendants medical needs, this case  
needs to be continued 1 more rotation. Counsel is  
okay w/ continuance

**COURT MINUTES—PAGE 2**

**CR42.16.1074**

**State vs. Scott Freeland**

**Hearing Start Time: 11:25 AM**

**Journal Entries:**

- Court called case.

Court addressed counsel, due to the defendant's medical needs the court will have to continue the preliminary hearing.

Court inquired of counsel.

Mr. Essma addressed the court and requests 1 rotation continuance.

Mr. Holloway addressed the court and has no objection to continuing the preliminary hearing.

1126 Court will continue preliminary hearing.

Preliminary hearing will be reset to 2.26.2016 @ 8:15 am.

Court in recess.

**Hearing End Time: 11:27 AM**

CLERK OF COURT  
TWIN FALLS, IDAHO  
2016

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, 51  
IN AND FOR THE COUNTY OF TWIN FALLS  
MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff

VS.

Scott Free land  
Defendant

CASE NO. CP42-16-1074  
NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the above-named defendant is to appear for:

- ☐ Pretrial/2<sup>nd</sup> Pretrial Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.  
☐ Court Trial Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.  
☐ Jury Trial Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.  
☐ Sentencing Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.  
☐ PV – Evid/Dispo Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.  
☒ Prelim Date 2.26.16 Time 8:15 a.m. p.m.  
☐ Other \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_ a.m. p.m.

At the Theron Ward Judicial Building, 427 Shoshone Street N, Twin Falls, Idaho

before Judge Campbell

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Campbell, Cannon, Dolan, Duff, Haemmerle, Harris, Hodges, Holloway, Ingram, Israel, Kershaw, Redman, Robinson, Stoker and K. Walker.

Except in an **EMERGENCY**, the date(s) set will not be changed unless both parties agree at least 3 weeks in advance of the first date.

**Fines and court costs may be due the day of sentencing. Jail terms begin the day of sentencing.**

I hereby certify that a copy of this Notice of Hearing was served as follows:

Defendant: ☐ hand delivered ☐ mailed

Prosecutor:

☒ folder

☐ mailed

Defense Counsel:

☒ folder

☐ mailed

Other: \_\_\_\_\_

☐ folder

☐ mailed

Deputy Clerk

J. Robinson

Date

2.5.16

GRANT P. LOEBS  
 Prosecuting Attorney  
 for Twin Falls County  
 P.O. Box 126  
 Twin Falls, ID 83303  
 Phone: (208) 736-4020  
 Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
 OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

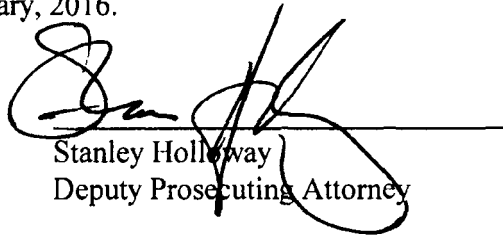
STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D87 through D96.

The State reserves the right to supplement discovery as information becomes available.

DATED this 4 day of February, 2016.



Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of February, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**Response to Request for Discovery**

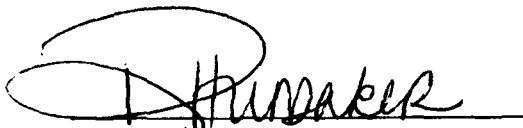
☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Unredacted copy of Discovery**

☐ **E-Serve**  
☒ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Redacted copy of Discovery**

☒ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**



Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
 Prosecuting Attorney  
 for Twin Falls County  
 P.O. Box 126  
 Twin Falls, ID 83303  
 Phone: (208) 736-4020  
 Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
 OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

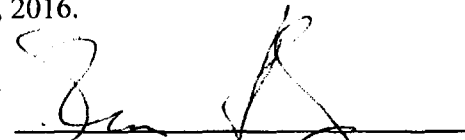
STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D97 through D106.

The State reserves the right to supplement discovery as information becomes available.

DATED this 9 day of February, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney



**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of February, 2016, I served **THE OFFICE OF  
THE PUBLIC DEFENDER** a copy of the following:

**Response to Request for Discovery**

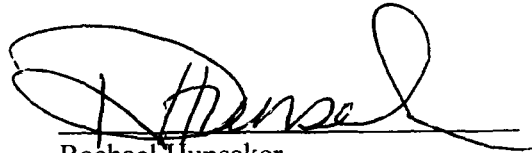
☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Unredacted copy of Discovery**

☐ **E-Serve**  
☒ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☐ **Redacted copy of Discovery**

☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**



Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
MAGISTRATE DIVISION

MINUTES FOR PRELIMINARY HEARING

DATE 2-26-16 TIME 8:15 AM COUNTER 8:38 FEB 26 AM 11:20 R 4216-1074  
JUDGE Campbell DEPUTY CLERK D. Jones INTERPRETER BY CLERK CTRM # 6

THE STATE OF IDAHO,

ATTY: Stan Hollenbeck

vs.

Scott Freeland

ATTY: George Essma

☒ In Custody ☐ Not Present ☐ Failed to Appear ☐ Warrant Bond Amount \$ ☐ Forfeit Previous Bond

OFFENSE: ① Unlawful Possess Weapon by Felon  
② Theft by Possess Stolen Property

COURT REVIEWED FILE ☐ COURT READ THE COMPLAINT ☐  
DEFENDANT WAIVED PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED ☐  
DEFENDANT WAIVED SPEEDY PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED ☐  
COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER ☐  
WRITTEN OFFER FILED ☐  
DEFENDANT WAS BOUND OVER TO DISTRICT COURT ☐  
STATE DISMISSED CHARGE(S) ☐  
STATE FILED AMENDED COMPLAINT ☐ COURT ARRAIGNED DEFENDANT ☐  
STATE AMENDED CHARGE(S) TO ☐

CONTINUED:

☒ STATE / DEFENSE REQUESTED A CONTINUANCE ☐ STIPULATION ☐ OBJECTION  
☒ CONTINUED TO 3-3-16 WITH JUDGE ☐

HEARING:

PRELIMINARY HEARING TO BE HELD ☐ SEE PAGE 2 ☐  
COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES ☐ COURT GRANTED ☐  
DEFENDANT BOUND OVER AFTER PRELIM ☐  
DEFENDANT BOUND OVER AFTER PRELIM ON AMENDED CHARGE OF ☐  
CASE DISMISSED AFTER PRELIM ☐

BOND:

DEFENSE MOVED FOR BOND REDUCTION ☐  
STATE OBJECTED ☐ STIPULATION ☐ ARGUMENT PRESENTED ☐  
BOND WILL REMAIN AS PREVIOUSLY SET ☐ O.R. RELEASE ☐  
BOND RESET AT \$ ☐ (BOND AMOUNT IS FOR THIS CASE ONLY) ☐  
COURT SIGNED ORDER FOR COURT COMPLIANCE ☐  
DEFENDANT TO REPORT IMMEDIATELY UPON RELEASE ☐  
OTHER CONDITIONS OF BOND ☐

REDUCED:

STATE REDUCED THE CHARGE(S) TO MISD ☐  
COURT ARRAIGNED THE DEFENDANT ON MISD CHARGE ☐  
DEFENDANT ENTERED GUILTY PLEA TO REDUCED CHARGE ☐  
COURT ACCEPTED PLEA ☐ SET FOR SENTENCING ON ☐

CIVIL:

WAIVER OF EXTRADITION ☐ RESET FOR STATUS ☐ DISMISSED ☐

COMMENTS:

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho  
vs.  
Scott Cameron Freeland  
443 2nd Ave N #B  
Twin Falls ID 83301

Case No. CR42-16-1074

Notice of Hearing

Event Code: NOTH

**NOTICE IS HEREBY GIVEN** that the above-entitled case is hereby set for:

<u>Hearing Type</u>	<u>Date</u>	<u>@</u>	<u>Time</u>	<u>Judge</u>
Preliminary Hearing	March 03, 2016		08:15 AM	Thomas D. Kershaw, Jr

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bollar, Borresen, Box, Campbell, Cannon, Dolan, Duff, Evans, Haemmerle, Harris, Hodges, Holloway, Ingram, Israel, Kershaw, Redman, Robinson, and K. Walker.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: February 26, 2016

By: *Diann Jones*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on February 26, 2016, I served a copy of the attached to:

George P Essma  
PO Box 126  
Twin Falls ID 83303-0126

By email [tfcpubdef@co.twin-falls.id.us](mailto:tfcpubdef@co.twin-falls.id.us)

Stanley Holloway  
PO Box 126  
Twin Falls ID 83303-0126

By email [inbox.pros@co.twin-falls.id.us](mailto:inbox.pros@co.twin-falls.id.us)

By: *Diann Jones*  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
MAGISTRATE DIVISION

MINUTES FOR PRELIMINARY HEARING

DATE 3.3.16 TIME 8:15 COUNTER 839/1013 CASE NO. 2016 MAR -3 PM 11:05 1074  
JUDGE Kershaw DEPUTY CLERK Hallstead INTERPRETER ST CTRM # 2

THE STATE OF IDAHO,

ATTY: L-S Holloway DEPUTY

vs.

Scott Freeland

ATTY: PD-G Esma

☒ In Custody ☐ Not Present ☐ Failed to Appear ☐ Warrant Bond Amount \$ ☐ Forfeit Previous Bond

OFFENSE: Unlawful possession of weapon by convicted felon

Obtained by receiving, possessing stolen property

☒ COURT REVIEWED FILE ☐ COURT READ THE COMPLAINT  
☐ DEFENDANT WAIVED PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED  
☐ DEFENDANT WAIVED SPEEDY PRELIMINARY HEARING ☐ WRITTEN WAIVER FILED  
☐ COURT GAVE DEFENDANT HIS/HER RIGHTS IN THIS MATTER  
☐ WRITTEN OFFER FILED  
☐ DEFENDANT WAS BOUND OVER TO DISTRICT COURT  
☐ STATE DISMISSED CHARGE(S)  
☐ STATE FILED AMENDED COMPLAINT ☐ COURT ARRAIGNED DEFENDANT  
☐ STATE AMENDED CHARGE(S) TO

CONTINUED:

☐ STATE / DEFENSE REQUESTED A CONTINUANCE ☐ STIPULATION ☐ OBJECTION  
☐ CONTINUED TO ☐ WITH JUDGE

HEARING:

☒ PRELIMINARY HEARING TO BE HELD ☒ SEE PAGE 2  
☒ COUNSEL MOVED FOR THE EXCLUSION OF WITNESSES ☐ COURT GRANTED  
☒ DEFENDANT BOUND OVER AFTER PRELIM  
☐ DEFENDANT BOUND OVER AFTER PRELIM ON AMENDED CHARGE OF  
☐ CASE DISMISSED AFTER PRELIM

BOND:

☐ DEFENSE MOVED FOR BOND REDUCTION  
☐ STATE OBJECTED ☐ STIPULATION ☐ ARGUMENT PRESENTED  
☐ BOND WILL REMAIN AS PREVIOUSLY SET ☐ O.R. RELEASE  
☐ BOND RESET AT \$ (BOND AMOUNT IS FOR THIS CASE ONLY)  
☐ COURT SIGNED ORDER FOR COURT COMPLIANCE  
☐ DEFENDANT TO REPORT IMMEDIATELY UPON RELEASE  
☐ OTHER CONDITIONS OF BOND

REDUCED:

☐ STATE REDUCED THE CHARGE(S) TO MISD  
☐ COURT ARRAIGNED THE DEFENDANT ON MISD CHARGE  
☐ DEFENDANT ENTERED GUILTY PLEA TO REDUCED CHARGE  
☐ COURT ACCEPTED PLEA ☐ SET FOR SENTENCING ON

CIVIL:

☐ WAIVER OF EXTRADITION ☐ RESET FOR STATUS ☐ DISMISSED

COMMENTS: Mr. Esma addressed Mr. Freeland's concerns. (1016) Mr. Freeland  
addressed the court. (1018) Mr. Esma responded. (1021) Mr. Freeland gave  
further comments. Court responded. (1023) Mr. Holloway gave comments  
Mr. Freeland requests a continuance

**COURT MINUTES – Page 2**

**St vs Scott Freeland  
CR42-16-1074**

**Hearing Start Time: 10:34 AM**

**Journal Entries:**

- Mr. Essma requested witnesses be excluded. Court so ordered.

(1037) State's 1st witness, Mike Maxwell, was sworn and examined by Mr. Holloway. (1048) Cross examined by Mr. Essma. (1108) Witness stepped down.

(1108) State's 2nd witness, Officer Dusty Solomon, was sworn and examined by Mr. Holloway. (1117) Cross examined by Mr. Essma. (1126) Witness stepped down.

(1126) State's 3rd witness, Officer Jerry Hutchison, was sworn and examined by Mr. Holloway. (1141) Cross examined by Mr. Essma. (1149) Witness stepped down.

State rests. Mr. Essma has no evidence to present.

Counsel submits case to the court.

Court gave findings and bound defendant over to District Court.

Court is in recess.

**Hearing End Time: 11:52 AM**

**Exhibits:**

(1044) State ex 1, Photograph, Exhibit Admitted, photo of 9mm gun

(1115) State ex 2, Document, Exhibit Admitted, certified copy of conviction in CR 2011-2618

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

2016 MAR -3 PM 1:05

State of Idaho  
Plaintiff,  
vs.  
Scott Cameron Freeland  
Defendant.

Case No. CR42-16-1074

Order Binding Defendant Over  
To District Court

Event Code: ORBD

The above-entitled matter was before the court on March 03, 2016, for preliminary hearing on the charge(s) of:

Count	Statute	Charge Desc
1	118-3316(1)	Weapon-Unlawful Possession by Convicted Felon
2	118-2403(4) {F}	Theft by Receiving, Possessing or Disposing of Stolen Property, etc

The Honorable Thomas D Kershaw Jr presided. The State was represented by Stanley Holloway. The defendant appeared in person and through counsel, George P. Essma.

The court reviewed the evidence and testimony and concluded that there is substantial evidence that the public offense(s) listed above was/were committed in Twin Falls County, and found probable cause to believe the defendant committed said offense(s).

IT IS THEREFORE ORDERED that the defendant be bound over to the district court and held to answer to the charge(s) listed above.

IT IS SO ORDERED.

Dated: 3 March 2016

Thomas D Kershaw Jr  
Judge

CERTIFICATE OF SERVICE

I certify that on March 03, 2016, I served a copy of the attached to:

Grant Loebs  
Inbox.pros@co.twin-falls.id.us  
Marilyn Paul  
tfcpubdef@co.twin-falls.id.us

[X] By email

[X] By email

By: T Halstead

Deputy Clerk

## Exhibit Log

Case: CR42-16-1074

Case Style: State of Idaho  
Plaintiff,  
vs.  
Scott Cameron Freeland  
Defendant.

Sort Order: Exhibit ID

Exhibit ID Exhibit #	On Behalf Of Source	Status Date	Proj. Return / Destroy	Type Description	Exhibit Flag	Custody Date	Custody Detail
State's exhibit 1 (1044) State ex 1	State Holloway, Stanley	Exhibit Admitted 03/03/2016		Photograph photo of 9mm gun		03/03/2016	Twin Falls County District Court: Case File
State's exhibit 2 (1115) State ex 2	State Holloway, Stanley	Exhibit Admitted 03/03/2016		Document certified copy of conviction in CR 2011-2618		03/03/2016	Twin Falls County Magistrate Court: Case File

Total Count: 2

Page 1 of 1

Printed on 03/03/2016 at 3:05 PM

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, Idaho 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	<b>INFORMATION FOR FELONIES, NAMELY:</b>
	)	<b>Count I: Unlawful Possession of a Firearm</b>
vs.	)	<b>Count II: Grand Theft by Possession of Stolen Property</b>
	)	
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	DOB [REDACTED]
Defendant.	)	SSN [REDACTED]
_____	)	

Stanley Holloway, Deputy Prosecuting Attorney for Twin Falls County, State of Idaho, who in the name and by the authority of said State, prosecutes in its behalf, in proper person, comes now into said District Court of the County of Twin Falls, State of Idaho, and gives the Court to understand and be informed that SCOTT CAMERON FREELAND, the above-named defendant, is accused by this Information of the Felony crimes of Count I: UNLAWFUL POSSESSION OF A FIREARM, and Count II: GRAND THEFT BY POSSESSION OF STOLEN PROPERTY.



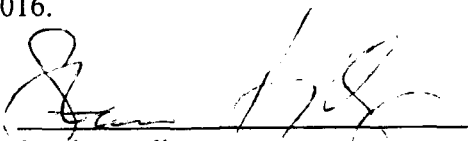
**COUNT I**  
**UNLAWFUL POSSESSION OF A FIREARM**  
**Felony, I.C. 18-3316**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did possess and/or have under his control a firearm, to-wit: a Ruger LC9 handgun, knowing that he has been convicted of Possession of a Controlled Substance, a felony crime, in Twin Falls County, case number CR-2011-2618, in violation of Idaho Code Section 18-3316.

**COUNT II**  
**GRAND THEFT BY POSSESSION OF STOLEN PROPERTY**  
**Felony, I.C. 18-2403(4), 18-2407(1)(b)(6), 18-2409**

That the Defendant, SCOTT CAMERON FREELAND a.k.a. SCOTT FREELAND a.k.a. SCOTT CAMERON LYNCH a.k.a. SCOTT HARMON a.k.a. SCOTT CARMEN HARMON a.k.a. STEVEN FRANKLIN a.k.a. SCOTT CAMRON FREELAND, on or about the 28<sup>th</sup> day of January, 2016, in the County of Twin Falls, State of Idaho, did knowingly possess stolen property, to-wit: a Ruger LC9 handgun, the property of Mike Maxwell, knowing the property to have been stolen, or under circumstance as would reasonably induce him to believe that the property was stolen, and with the intent to deprive the owner permanently of the use or benefit of the property, in violation of Idaho Code Sections 18-2403(4), 18-2407(1)(b)(6), 18-2409.

DATED this 4<sup>th</sup> day of March, 2016.

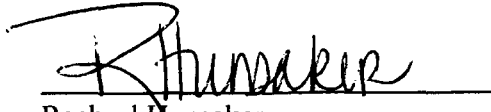
  
\_\_\_\_\_  
Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 4<sup>th</sup> day of March, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**Information**

<input checked="" type="checkbox"/>	<b>E-Serve</b>
<input type="checkbox"/>	<b>Court Folder</b>
<input type="checkbox"/>	<b>E-mail</b>
<input type="checkbox"/>	<b>U.S. Mail</b>
<input type="checkbox"/>	<b>Fax</b>

  
\_\_\_\_\_  
Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Hearing

Event Code: NOTH

**NOTICE IS HEREBY GIVEN** that the above-entitled case is hereby set for:

<u>Hearing Type</u>	<u>Date</u>	<u>@ Time</u>	<u>Judge</u>
Arraignment - District Court	March 14, 2016	08:30 AM	G. Richard Bevan

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Carey, Crabtree, Elgee, Schroeder, Shindurling, St. Clair, Stoker, Wildman, Woodland and Williamson.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: March 08, 2016

By: *Shelley Bartlett*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on March 08, 2016, I served a copy of the attached to:

Marilyn Paul  
tfcpubdef@co.twin-falls.id.us

[ ] By Mail  
[X] By Email

Grant Loeb  
inbox.pros@co.twin-falls.id.us

[ ] By Mail  
[X] By Email

Kristina Glascock  
Clerk of the Court

By: *Shelley Bartlett*  
Deputy Clerk

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

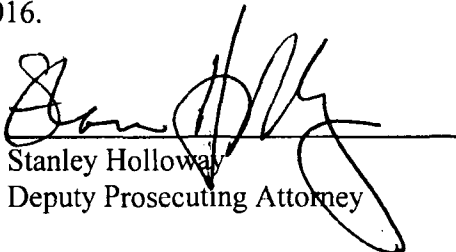
COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D107 through D119

Supplemental Response to Request for Discovery - 1

The State reserves the right to supplement discovery as information becomes available.

DATED this 8<sup>th</sup> day of March, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 07th day of March, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**Response to Request for Discovery**

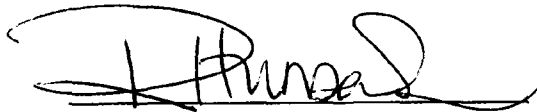
☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Unredacted copy of Discovery**

☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☐ **Redacted copy of Discovery**

☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**



Rachael Hunsaker  
Legal Assistant

OFFICE OF THE PUBLIC DEFENDER  
Attorneys at Law  
P. O. Box 126  
Twin Falls, Idaho 83303-0126  
(208)734-1155  
ISB# 3995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
v.	)	MOTION FOR BOND REDUCTION
	)	
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW the above-named Defendant by and through his attorney, George P. Essma, Deputy Public Defender, and moves this Honorable Court for a Bond Reduction/OR release in the above-entitled matter. Additionally, Defendant offers as grounds for this Motion the oral evidence to be presented at hearing.

WHEREFORE, based on the foregoing, and for such other reasons as may appear appropriate to this Honorable Court, the Defendant prays this Court will grant this Motion for Bond Reduction or allow him to be released on his own recognizance.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day of March, 2016.

OFFICE OF THE PUBLIC DEFENDER

/s/ George P. Essma  
George P. Essma  
Deputy Public Defender

**CERTIFICATE OF DELIVERY**

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing  
MOTION FOR BOND REDUCTION to be placed in the Twin Falls County Prosecutor's file at  
the Twin Falls County Clerk's Office in Twin Falls, Idaho on the 10<sup>th</sup> day of March, 2016.

GRANT LOEBS  
TWIN FALLS COUNTY  
PROSECUTING ATTORNEY

inbox.pros@tfco.org

/s/ Betsy Brown  
Betsy Brown  
Legal Assistant



OFFICE OF THE  
PUBLIC DEFENDER  
TWIN FALLS COUNTY  
Attorneys at Law  
P. O. Box 126  
Twin Falls, Idaho 83303  
ISB# 3995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

\* \* \* \* \*

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
vs.	)	
	)	NOTICE OF HEARING
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Monday, the 28<sup>th</sup> day of March, 2016, at the hour of  
10:30 a.m. or as soon thereafter as counsel can be heard, the undersigned will call for a  
MOTION TO REDUCE BOND hearing, in the above-entitled matter, before the Honorable G.  
Richard Bevan.

DATED this 10<sup>th</sup> day of March, 2016.

TWIN FALLS COUNTY PUBLIC DEFENDER

/s/ George P. Essma  
George P. Essma  
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office, on this 10<sup>th</sup> day of March, 2016.

Grant Loeb  
Prosecuting Attorney

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

/s/ Betsy Brown  
Betsy Brown  
Legal Assistant


GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>MOTION TO DISQUALIFY</b>
	)	<b>ALTERNATE JUDGE</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office, by and through its Attorney of Record, Grant P. Loebs, Prosecuting Attorney, and moves to disqualify alternate Judge Robert J. Elgee in the above-entitled case. Pursuant to I.C.R. 25 this motion to disqualify is made without cause.

DATED this 9th day of March, 2016.

  
Grant P. Loebs  
Prosecuting Attorney

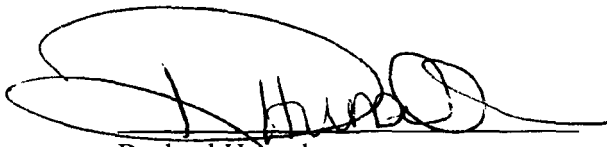
MOTION TO DISQUALIFY ALTERNATE JUDGE - 1

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of March, 2016 , I served **OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

**MOTION TO DISQUALIFY ALTERNATE JUDGE**

<input checked="" type="checkbox"/>	<b>E-Serve</b>
<input type="checkbox"/>	<b>Court Folder</b>
<input type="checkbox"/>	<b>E-mail</b>
<input type="checkbox"/>	<b>U.S. Mail</b>
<input type="checkbox"/>	<b>Fax</b>



Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>ORDER OF DISQUALIFICATION</b>
	)	
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

Based on the State's *Motion to Disqualify Alternate Judge* and pursuant to I.C.R. 25,

IT IS HEREBY ORDERED that Judge Robert J. Elgee be disqualified as an alternate  
Judge in the above-entitled case.

DATED this \_\_\_\_\_ day of March, 2016.

DID NOT SIGN - SB - 3-15-2016

\_\_\_\_\_  
District Judge

ORDER OF DISQUALIFICATION

**CERTIFICATE OF SERVICE**

I hereby certify that on the \_\_\_\_\_ day of March, 2016, I served a copy of the foregoing

**ORDER OF DISQUALIFICATION** thereof to the following:

Stanley Holloway  
Deputy Prosecuting Attorney

[ ] E-Serve  
inbox.pros@tfco.org

Office of the Public Defender  
Defendant's Attorney

[ ] E-Serve  
tfcpubdef@tfco.org

\_\_\_\_\_  
Deputy Clerk

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

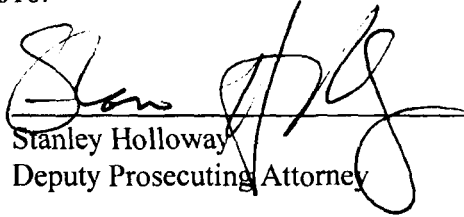
STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D120 through D121.

The State reserves the right to supplement discovery as information becomes available.

DATED this 10<sup>th</sup> day of March, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney



**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of March, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**Response to Request for Discovery**

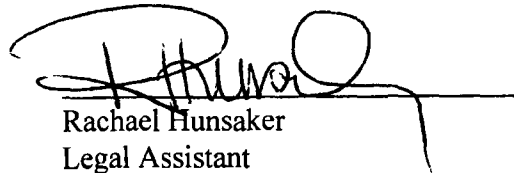
☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Unredacted copy of Discovery**

☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☐ **Redacted copy of Discovery**

☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**

  
Rachael Hunsaker  
Legal Assistant

MAR 14 2016

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

Clerk  
Deputy Clerk

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

COURT MINUTES

Event Code: CMIN

JUDGE: G. Richard Bevan

COURTROOM: 1

CLERK: Shelley Bartlett

DATE: 3/14/2016

TIME: 08:30 AM

REPORTER: Virginia Bailey

COUNTER: 8:59

☒ DEFENDANT IN CUSTODY

CHARGES:

Count Statute I.C.S.

1 118-3316(1)

2 118-2403(4) {F}

Charge Desc

Weapon-Unlawful Possession by Convicted Felon

Theft by Receiving, Possessing or Disposing of Stolen Property,  
etc

X ARRAIGNMENT

☐ STATUS

☐ ENTRY OF PLEA

☐ BOND

☐ CHANGE OF PLEA

APPEARANCES:

☒ Defendant: Scott Cameron Freeland

☒ Prosecutor: Stanley Holloway Jim Swersky

☒ Def. Counsel: George P. Essma

☐ Other:

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☒ Def is informed of the charges against him/her and all legal rights including the right to representation

☒ Defendant is advised of the effect of a guilty plea and the maximum penalties

☒ Defendant indicated that he/she understands rights and penalties

☒ Waived reading of the "Information" ☒ Name verified ☒ Public Defender is confirmed/appointed

☒ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☒ By the Court State's Attorney: \_\_\_\_\_

2 # of days for trial / Pre-Trial 5-2-16 / Jury Trial 5-18-16 /

Discovery Cutoff 4-29-16 / Status Hearing \_\_\_\_\_

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

Charge Amended to \_\_\_\_\_ Pled to \_\_\_\_\_ Counts to be Dismissed \_\_\_\_\_

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty ☐ Plea/Offer Filed  
Sentencing Date \_\_\_\_\_

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval \_\_\_\_\_

☐ Drug Court recommended Status Date \_\_\_\_\_

BOND HEARING: ☐ Counsel addressed the Court

☐ Released on own recognizance ☐ Bond remains as set ☐ Bond re-set to \_\_\_\_\_

Conditions of Release: ☐ Court Compliance ☐ Curfew of \_\_\_\_\_ ☐ Remain on Probation

☐ Reside at \_\_\_\_\_ ☐ Random UAs per week \_\_\_\_\_

Other: Prelim transcript will be ordered upon presentment of order and then counsel will have 28 days after lodging to file any dispositive motions.

COURT MINUTES

1

81

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Hearing

Event Code: NOTH

**NOTICE IS HEREBY GIVEN** that the above-entitled case is hereby set for:

<u>Hearing Type</u>	<u>Date</u>	<u>@ Time</u>	<u>Judge</u>
Jury Trial	May 18, 2016	08:30 AM	G. Richard Bevan
	May 19, 2016	08:30 AM	
Pre-trial Conference	May 02, 2016	11:00 AM	G. Richard Bevan

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Carey, Crabtree, Elgee, Schroeder, Shindurling, St. Clair, Stoker, Wildman, Woodland and Williamson.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: March 14, 2016

By: *Shelley Bartlett*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on March 14, 2016, I served a copy of the attached to:

Marilyn Paul  
tfcpubdef@co.twin-falls.id.us

☐ By mail  
☒ By email

Grant Loebs  
Inbox.pros@co.twin-falls.id.us

☐ By mail  
☒ By email

Kristina Glascock  
Clerk of the Court

By: *Shelley Bartlett*  
Deputy Clerk



exceptional circumstances the court will not hear these motions between this cutoff date and trial.

**Pretrial Discovery.** All parties will comply with the discovery requirements of I.C.R. 16 and use good faith and reasonable diligence in timely complying with initial discovery and supplementation thereof. The Prosecuting Attorney must review the law enforcement agency's file prior to make sure all reports or evidence are disclosed to defense counsel as required by I.R.C. 16. Providing a release to defense counsel allowing them to obtain discovery from law enforcement does not sufficiently comply with this rule.

5. **Expert Testimony.** All medical or expert testimony witnesses must be disclosed at least **21** days prior to trial. The provisions of I.R.C. 16 regarding discovery of expert witnesses by both parties must be complied with prior to this cutoff.
6. **Jury Instructions.** The Court will prepare "stock" jury instructions. Copies of these may be obtained by contacting the Court's law clerk. It is not necessary for Counsel to submit stock instructions that duplicate those prepared by the Court. Counsel must file their proposed instructions in writing with the Clerk and submit a copy by email to ([bevanlawclerk@co.twin-falls.id.us](mailto:bevanlawclerk@co.twin-falls.id.us)) in Word document format on or before 5 P.M. the Tuesday before the trial date.
7. **Witnesses and Exhibits.** Exhibit and Witness lists describing a party's intended exhibits and witnesses must be filed by 5 P.M. the Tuesday prior to the trial date. A copy of the witness list must be served on the court reporter. If a witness needs to be taken out of order for any reason, such matter will be discussed with opposing counsel and stipulated or ruled upon prior to opening statement in the case or 48 hours before the witness is to be called, whichever is later. The Court will rely on these witness lists in selecting the jury. In addition, Counsel shall meet with the clerk to mark and/or to stipulate to the admission of exhibits **at least one day before trial**. Failure to strictly comply with these requirements may result in the exclusion of witnesses, exhibits or other sanctions.
8. **Audio and Video Tapes or CDs.** If either party desires to introduce all or any portion of any audio or video recording at trial, the party desiring to utilize such recording shall give notice of their intent to offer it to both the Court and opposing counsel. If the offering party intends to offer less than the entire recording then such party shall provide the opposing party with a redacted copy of the recording intended to be offered. Unless the parties stipulate to the admission of such audio or video recording in their entirety, or as redacted, as the case may be, the offering party must file and notice an appropriate motion to resolve any remaining disputed issues not less than **10 days before trial**.

9. **Audio/Visual Equipment.** It is the responsibility of counsel to become familiar with the Court's audio-visual equipment PRIOR to trial and to ensure that all audio and video exhibits can be broadcast on the Court's equipment. This Court's staff **WILL NOT** assist counsel in the operation of equipment during trial. The Court **WILL NOT** admit any audio or visual exhibit that cannot be viewed on the Court's equipment provided to the jury or on a "clean" computer brought by counsel which will be used in the jury room.. The Court **WILL NOT** permit the jury to use counsel's equipment in the jury room to review admitted exhibits.

10. **Alternate Judges** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25(a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Carey, Crabtree, Elgee, Schroeder, Shindurling, St. Clair, Stoker, Wildman, Woodland and Williamson.

11. **Miscellaneous Procedures And Notice Requirements.**

- A. The Defendant shall keep his counsel advised of his mailing address and telephone number. If counsel loses contact with the defendant, counsel shall immediately notify the Court so that appropriate proceedings may take place.
- B. If this case is resolved by plea then that plea will be taken AT LEAST by the Friday before the start of trial. If a defendant enters a plea after a jury panel has appeared in court, the cost of that panel may be assessed against either party whom the court determines has acted in bad faith in not timely resolving this case. The Defendant must complete the Court's current "Guilty Plea Advisory Form."
- C. Counsel will meet in chambers at 8:15 the morning of trial to discuss any last minute issues in the case. The Court will advise the parties at that meeting of the number of alternate jurors to be selected and the number of peremptory challenges allowed.
- D. Trial of this case will be set by separate order. Unless there is a written objection filed by either party within 7 days of the trial notice, the following shall apply. The Court will use a struck method of jury selection. The jury commissioner shall pre-number the panel by random draw. The Court will not permit questions from the jury unless there is a written stipulation signed by counsel and the defendant.
- E. Any stipulations of fact shall be in writing and signed by counsel and the defendant.

F. This case may be set for trial along with other cases. The trial priority of this case will be determined as follows. The Court may use as many as two additional trial judges from the alternate panel. Thus, there may be as many as three district court jury trials occurring in the Twin Falls Courthouse at any one time. Cases shall be tried in the order of their age and defendant's custody status. Thus in-custody cases by order of age shall be tried first and out-of-custody cases by order of age shall be tried next. Counsel shall be prepared to try any case on the Court's trial docket and shall be responsible to determine among themselves the priority of cases.

G. The State shall communicate to the Defendant's counsel and said counsel shall communicate to the Defendant any plea bargains offered in this case.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Signed: 3/15/2016 03:22 PM



G. RICHARD BEVAN  
District Judge

CERTIFICATE OF SERVICE

Signed: 3/15/2016 03:40 PM

I hereby certify that on the \_\_\_\_\_ day of March, 2016, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Grant Loebbs  
Inbox.pros@co.twin-falls.id.us

☐ U.S. Mail    ☒ Emailed    ☐ Faxed    ☐ Court Folder

Marilyn Paul  
tfcpubdef@twin-falls.id.us

☐ U.S. Mail    ☒ Emailed    ☐ Faxed    ☐ Court Folder



Clerk



TWIN FALLS COUNTY  
PUBLIC DEFENDER  
P.O. Box 126  
Twin Falls, ID 83303-0126  
(208) 734-1155  
ISB # 3995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
	)	
v.	)	MOTION FOR AUTOMATIC
	)	DISQUALIFICATION
	)	OF JUDGE
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Defendant, by and through his attorney, George P. Essma, Deputy Public Defender for Twin Falls County, and hereby moves the above-entitled Court for an Order granting automatic disqualification of the Honorable G. Richard Bevan from further participation in this action as provided in Rule 25 of the Idaho Criminal Rules.

DATED This 16<sup>th</sup> day of March, 2016.

/s/ George P. Essma  
George P. Essma  
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing was delivered to the Office of the Twin Falls County Prosecuting Attorney on the 16<sup>th</sup> day of March, 2016.

Grant Loeb  
Prosecuting Attorney

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

/s/ Betsy Brown  
Betsy Brown  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
vs.	)	ORDER FOR PREPARATION
	)	OF TRANSCRIPT AT
SCOTT FREELAND,	)	COUNTY EXPENSE
	)	
Defendant.	)	
_____	)	

IT IS HEREBY ORDERED AND THIS DOES ORDER, that a transcript of the Defendant's Preliminary Hearing, in the above-entitled matter, held March 3, 2016, be prepared at county expense.

IT IS FURTHER ORDERED that the time for filing of I.C.R. 12(b) Motions and other Pre-Trial Motions, in the above-entitled action, is hereby extended to a <sup>28 days</sup> date after receipt of the Preliminary Transcripts.

Signed: 3/17/2016 09:25 AM



JUDGE

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that a true and correct copy of the foregoing ORDER was  
Signed: 3/17/2016 09:47 AM  
placed in the County Prosecutor's file in Magistrate Court on the \_\_\_\_ day of \_\_\_\_\_, 2016.

OFFICE OF THE  
PROSECUTING ATTORNEY

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

OFFICE OF THE  
PUBLIC DEFENDER


[tfcpubdef@tfco.org](mailto:tfcpubdef@tfco.org)

COURT ~~REPORTER~~  
Records

☐ email  
☐ Courthouse Mail

Shirley Bassett

TWIN FALLS COUNTY  
PUBLIC DEFENDER  
P.O. Box 126  
Twin Falls, ID 83303-0126  
(208) 734-1155  
ISB #3995


Signed: 3/21/2016 08:46 AM  
FILED By:  Deputy Clerk  
Fifth Judicial District, Twin Falls County  
Kristina Glascock, Clerk of the Court

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
v.	)	ORDER FOR DISQUALIFICATION
	)	OF JUDGE
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

BASED UPON the foregoing written Motion for Disqualification of Judge, and pursuant to Rule 25 of the Idaho Criminal Rules, I hereby disqualify myself from further participation in this action.

Signed: 3/17/2016 02:37 PM

  
The Honorable G. Richard Bevan  
DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

Signed: 3/21/2016 08:47 AM

I, the undersigned, hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2016,  
a true and correct copy of the foregoing has been served on the parties and persons listed below.

George P. Essma  
Twin Falls County Public Defender

[tfcpubdef@tfco.org](mailto:tfcpubdef@tfco.org)

Grant Loebs  
Twin Falls County Prosecuting Attorney

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

Shelley Barrett

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
 STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

THE STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
vs.	)	ORDER OF ASSIGNMENT
	)	
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

IT IS HEREBY ORDERED the above-entitled case be assigned to the  
 Honorable Randy J. Stoker, District Judge, for all further proceedings.

Dated:

Signed: 3/24/2016 08:57 AM



\_\_\_\_\_  
 G. RICHARD BEVAN  
 Administrative District Judge  
 Fifth Judicial District

C:

**CERTIFICATE OF SERVICE**

I certify that on Signed: 3/24/2016 10:45 AM \_\_\_\_\_, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Grant Loebs, Prosecuting Attorney  
[inbox.pros@co.twin-falls.id.us](mailto:inbox.pros@co.twin-falls.id.us)

☒ By Email

Marilyn Paul, Public Defender  
[tfcpubdef@co.twin-falls.id.us](mailto:tfcpubdef@co.twin-falls.id.us)

☒ By Email

Dorothy McMullen, Deputy Clerk  
[dmcmullen@co.twin-falls.id.us](mailto:dmcmullen@co.twin-falls.id.us)

☒ By Email



\_\_\_\_\_  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho  
Plaintiff,  
vs.  
Scott Cameron Freeland  
Defendant.

Case No. CR42-16-1074  
Notice of Pre-Trial and Jury Trial

Event Code: NOTH

**NOTICE IS HEREBY GIVEN** that the above-entitled case is hereby set for:

<u>Hearing Type</u>	<u>Date</u>	<u>@</u>	<u>Time</u>	<u>Judge</u>
Pre-trial Conference	05/02/2016		04:00 PM	Randy J. Stoker
Jury Trial	05/18/2016 and 05/19/2016		08:30 AM 08:30 AM	

**Alternate Judges:** Notice is hereby given that the presiding judge assigned to this case intends to utilize the provisions of I.C.R. 25 (a)(6). Notice is also given that if there are multiple defendants, any disqualification pursuant to I.C.R. 25(a)(1) is subject to a prior determination under I.C.R. 25(a)(3). The panel of alternate judges consists of the following judges who have otherwise not been disqualified in this action: Judges Bevan, Brody, Butler, Carey, Crabtree, Elgee, Schroeder, Shindurling, St. Clair, Stoker, Wildman, Woodland and Williamson.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: March 24, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on March 24, 2016, I served a copy of the attached to:

George P Essma  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Stanley Holloway  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Kristina Glascock  
Clerk of the Court

By: Dorothy McMullen  
Deputy Clerk

OFFICE OF THE  
PUBLIC DEFENDER  
TWIN FALLS COUNTY  
Attorneys at Law  
P. O. Box 126  
Twin Falls, Idaho 83303  
ISB# 3995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	Case No. CR42-16-1074
	)	
vs.	)	
	)	NOTICE OF HEARING
SCOTT FREELAND,	)	
	)	
Defendant.	)	
	)	

TO: GRANT LOEBS TWIN FALLS COUNTY PROSECUTORS OFFICE:

PLEASE TAKE NOTICE that on Friday, the 1<sup>st</sup> day of April, 2016, at the hour of 10:00  
a.m. or as soon thereafter as counsel can be heard, the undersigned will call for a MOTION TO  
REDUCE BOND hearing, in the above-entitled matter, before the Honorable Randy Stoker.

DATED this 24<sup>th</sup> day of March, 2016.

TWIN FALLS COUNTY PUBLIC DEFENDER

/s/ George P. Essma  
George P. Essma  
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF HEARING to be properly delivered to the Twin Falls County Prosecutors Office, on this 24<sup>th</sup> day of March, 2016.

Grant Loeb  
Prosecuting Attorney

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

/s/ Betsy Brown  
Betsy Brown  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

APR -1 2016

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 2

CASE # CR-42-16-1074  
DATE 4/1/16  
TIME 10:00AM  
CD 1001

By [Signature] Clerk  
Deputy Clerk

STATE OF IDAHO,  
VS.

SCOTT CAMERON FREELAND ~~Defendant~~ DEFENDANT IN CUSTODY

☐ ARRAIGNMENT ☐ STATUS ☐ ENTRY OF PLEA ☒ BOND ☐ CHANGE OF PLEA

APPEARANCES:

☒ Defendant [Signature] ☒ Prosecutor Holloway  
☒ Def. Counsel Edsme ☐ Other

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

- ☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation  
☐ Defendant is advised of the effect of a guilty plea and the maximum penalties  
☐ Defendant indicated that he/she understands rights and penalties  
☐ Waived reading of the "Information" ☒ Name verified ☐ Public Defender is confirmed/appointed

☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court

State's Attorney:

# of days for trial Pre-Trial June 7 @ 830 Am  
Discovery Cutoff Status Hearing

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

☐ Plea and/or Offer Filed ☐ PSI Facesheet submitted

Charge Amended to Pled to

Counts to be Dismissed

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval

☐ Drug Court recommended by State ☐ Yes ☐ No ☐ Order to Report

BOND HEARING: ☒ Counsel addressed the Court ☒ Bond remains as set ☐ Bond re-set to

☐ Released on own recognizance ☐ Order to Report ☐ Reside at

Conditions of Release: ☐ Court Compliance ☐ Curfew of ☐ Remain on Probation

☐ Drug/Alcohol Testing ☐ Random UAs per week

Other: Notion Denied. Criminal Counsel discussed trial setting  
trial reset (1031)

GRANT P. LOEBS  
 Prosecuting Attorney  
 for Twin Falls County  
 P.O. Box 126  
 Twin Falls, ID 83303  
 Phone: (208) 736-4020  
 Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
 OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

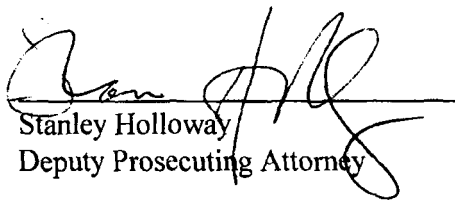
STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D122 through D151.

The State reserves the right to supplement discovery as information becomes available.

DATED this 5<sup>th</sup> day of April, 2016.



Stanley Holloway  
Deputy Prosecuting Attorney

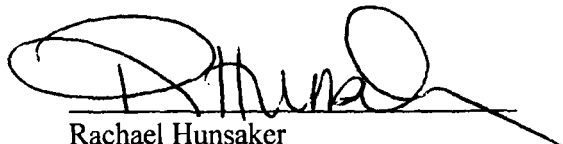
**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of April, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**Supplemental Response to Request for Discovery** ☒ **E-Serve**  
☐ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Unredacted copy of Discovery** ☐ **E-Serve**  
☒ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**  
☐ **Fax**

☒ **Redacted copy of Discovery** ☒ **Court Folder**  
☐ **E-mail**  
☐ **U.S. Mail**

  
Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Case No. CR42-16-1074

Vs.

Certificate of Service-Transcript

Scott Cameron Freeland

Event Code: CERTST

I, Kristina Glascock, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the transcript of the Preliminary Hearing held on March 3, 2016, in the above-entitled case was delivered to counsel for the Plaintiff and the Defendant on the 7th day of April, 2016.

Stan Holloway  
Twin Falls County  
Prosecutor's Office  
PO Box 126  
Twin Falls ID 83303-0126  
[inbox.pros@co.twin-falls.id.us](mailto:inbox.pros@co.twin-falls.id.us)

Email

George Essma  
Twin Falls County  
Public Defender's Office  
PO Box 126  
Twin Falls ID 83303-0126  
[tfcpubdef@co.twin-falls.id.us](mailto:tfcpubdef@co.twin-falls.id.us)

Email

Kristina Glascock  
Clerk of the District Court

By: *Mik B.*

Signed: 4/7/2016 03:15 PM

Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Amended Notice of Pre-Trial Conference

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Pre-trial Conference	May 3, 2016	04:00 PM	Randy J. Stoker

at the:

Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: April 28, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on April 28, 2016, I served a copy of the attached to:

Grant P Loebs  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303

[x] By email

By: Dorothy McMullen  
Deputy Clerk



GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

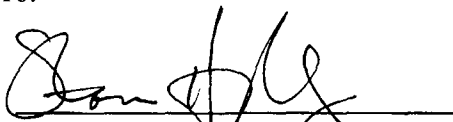
---

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D152 through D207.

The State reserves the right to supplement discovery as information becomes available.

DATED this 26 day of April, 2016.



Stanley Holloway  
Deputy Prosecuting Attorney

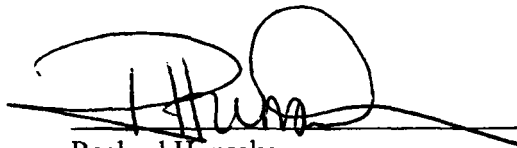
**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of April, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

<b>Supplemental Response to Request for Discovery</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>

<input checked="" type="checkbox"/> <b>Unredacted copy of Discovery</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>

<input type="checkbox"/> <b>Redacted copy of Discovery</b>	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>

  
Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND	)	<b>AND WITNESS LIST</b>
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its  
Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following  
Supplemental Response to the Request for Discovery:

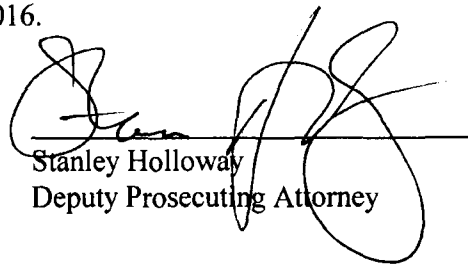
Supplemental Response to Request for Discovery and Witness List- 1

The State submits the following list of potential witnesses:

1. Mike Maxwell
2. Lisa Maxwell
3. Dusty Solomon, Twin Falls Police Department  
356 3<sup>rd</sup> Avenue East  
Twin Falls ID 83301
4. Jerry Hutchison, Twin Falls Police Department  
356 3<sup>rd</sup> Avenue East  
Twin Falls ID 83301

The State reserves the right to supplement discovery as information becomes available.

DATED this 3 day of May, 2016.

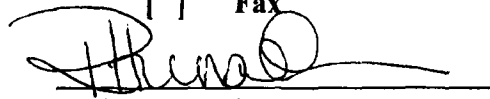


Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of May, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

<b>Supplemental Response to Request for Discovery and Witness List</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>

  
\_\_\_\_\_  
Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208)736-4020  
Fax: (208)736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

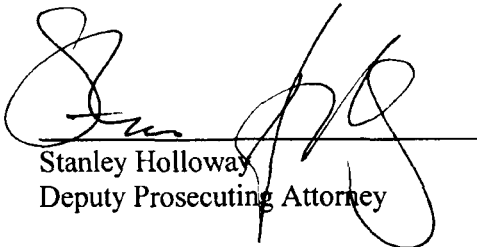
STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>STATE'S EXHIBIT LIST</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its  
Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following  
list of potential exhibits in the above-entitled matter:



1. Twin Falls Police Department Evidence Item No. 1: Firearm: Ruger LC9 9mm semi auto pistol w/ mag.
2. Twin Falls Police Department Evidence Item No. 2: 7 9mm bullets.
3. Twin Falls Police Department Evidence Item No. 3: Blackhawk holster.
4. Twin Falls Police Department Evidence Item No. 4: Audio Recording of Officer Solomon.
5. Twin Falls Police Department Evidence Item No. 5: Audio Recording 311 call.
6. Twin Falls Police Department Evidence Item No. 6: Letter sent to the Maxwells from Freeland.
7. Twin Falls Police Department Evidence Item No. 7: Audio Recording of Officer Hutchison.
8. State of Idaho Evidence Item No. 8: Prior convictions previously discovered as D145-207.
9. Any and all documents, tangible items, diagrams, photographs, etc. referred to or identified in discovery items provided to defense in the State's Response to Request for Discovery and all of the State's Supplemental Responses to Discovery.

DATED This 3<sup>rd</sup> day of May, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney

# Evidence and Exhibit List

[illegible]

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of May, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

**State's Exhibit List**

<input checked="" type="checkbox"/>	<b>E-Serve</b>
<input type="checkbox"/>	<b>Court Folder</b>
<input type="checkbox"/>	<b>E-mail</b>
<input type="checkbox"/>	<b>U.S. Mail</b>
<input type="checkbox"/>	<b>Fax</b>



Rachael Hunsaker  
Legal Assistant

**DISTRICT COURT**  
**Fifth Judicial District**  
**County of Twin Falls - State of Idaho**

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAY - 3 2016

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 2

CASE # CR-42-16-1074  
DATE 5/3/16  
TIME 4:00PM  
CD 725

By [Signature] Clerk  
[Signature] Deputy Clerk

STATE OF IDAHO,  
VS.

**SCOTT CAMERON FREELAND** ☒ DEFENDANT IN CUSTODY

**PRE-TRIAL MINUTES**

**APPEARANCES:**

☒ Defendant [Signature] ☒ Prosecutor [Signature]  
☒ Def. Counsel Esma ☐ Other \_\_\_\_\_

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

☐ Plea and/or Offer Filed ☐ PSI Facesheet submitted

Charge Amended to \_\_\_\_\_ Pled to \_\_\_\_\_

Counts to be Dismissed \_\_\_\_\_

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date \_\_\_\_\_

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval \_\_\_\_\_

☐ Drug Court recommended by State ☐ Yes ☐ No ☐ Order to Report

☐ PRE-TRIAL: ☐ Court and Counsel discussed Pre-trial Matters

Trial: ☐ By Jury ☐ By Court Trial Date: \_\_\_\_\_ for \_\_\_\_\_ days Priority: \_\_\_\_\_

Amendments to Pleadings: \_\_\_\_\_

Stipulations: \_\_\_\_\_

Discovery: \_\_\_\_\_

Exhibits: \_\_\_\_\_

Witnesses: State: \_\_\_\_\_ Defense: \_\_\_\_\_

Jury Panel: \_\_\_\_\_ alternate juror(s): \_\_\_\_\_ Preempts: \_\_\_\_\_ questions from Jury: \_\_\_\_\_

Submit Jury Instructions by: \_\_\_\_\_ at 5:00pm.

☐ Counsel meet in Chambers at 8:15 am the morning of trial.

Other Esma indicated he is filing motion to suppress. Trial was moved to June 7 @ 8:30 AM on Lipul 1st. Pretrial to be reset (4/30)

OFFICE OF THE PUBLIC DEFENDER  
Attorneys at Law  
P.O. Box 126  
Twin Falls, Idaho 83303-0126  
(208) 734-1155  
ISB # 3995

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

\* \* \* \* \*

STATE OF IDAHO,	)	
	)	CASE NO. CR42-16-1074
Plaintiff,	)	
	)	
v.	)	MOTION TO SUPPRESS
	)	
SCOTT FREELAND,	)	
	)	
Defendant.	)	
_____	)	

Comes now the above-named Defendant, Scott Freeland, by and through his counsel George P. Essma, Twin Falls County Public Defenders Office, and moves this Court for an order suppressing the evidence obtained by the State in violation of Mr. Freeland's constitutional rights both Federal and State. Mr. Freeland asserts that his Fourth Amendment Rights to be free from unreasonable search and seizure was violated in two ways:

1. When Twin Falls Police Department Officer Samir Smriko entered Mr. Freeland's residence without Mr. Freeland's consent and without first obtaining a search

warrant. Attached as EXHIBIT 1 is Officer Smriko's report of his entry into Mr. Freeland's residence. This exhibit is intended to show the fact of the warrantless entry in the residence but is not intended necessarily to support other facts and inferences contained in the report.

Mr. Freeland asserts that his subsequent arrest the next day, January 28, 2016, was directly attributable to the information impermissibly obtained by Officer Smriko and should be suppressed under Fruit of the Poisonous Tree Doctrine.

2. Mr. Freeland further asserts that his Fourth Amendment protection was violated on January 28, 2016 when Twin Falls Police Department Officers Solomon and Hutchison impermissibly searched him and that any evidence procured as a result of that search of his person be suppressed. Attached as EXHIBIT 2 is the Probable Cause Affidavit of Twin Falls Police Department Officer Dusty Solomon verifying that Mr. Freeland was searched without a warrant first being obtained. Again, this exhibit is intended to show Officer's Hutchison and Solomon's search of his person was conducted without a warrant but is not intended to necessarily support other facts and inferences contained in the report.

Based upon these reports (EXHIBITS 1 AND 2) Mr. Freeland contends that the burden now shifts to the State to justify its search of Mr. Freeland's residence as well as the search of his person.

## POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS

1. In support of Mr. Freeland's first contention, Mr. Freeland relies on *State v. Johnson*, 110 Idaho 516, 716 P.2d 1288 (1986) and the following authorities contained therein.
  - a. It is axiomatic that warrantless searches are per se unreasonable, and therefore unconstitutional, unless a specifically enumerated exception to this rule applies. *State v. Bottelson*, 102 Idaho 90, 92, 625 P.2d 1093, 1095 (1981); *State v. Ellis*, 99 Idaho 606, 608, 586 P.2d 1050, 1052 (1978); *State v. Harwood*, 94 Idaho 615, 617, 495 P.2d 160, 162 (1972). Basically, there are three common exceptions to the warrant rule: (1) a search incident to a lawful arrest, *Harwood, supra*, at 618, 495 P.2d at 163; (2) a search in response to exigent circumstances, *Id.*, and (3) a search conducted pursuant to properly given consent. *Id.*
  - b. The burden of proving that consent has been given, and that the person giving the consent had authority to do so, is on the state. *United States v. Matlock*, 415 U.S. 164, 171, 94 S.Ct. 988, 993, 39 L.Ed.2d 242 (1974); *State v. Post*, 98 Idaho 834, 837, 573 P.2d 153, 156 (1978), overruled on other grounds, *State v. Bottelson*, 102 Idaho 90, 625 P.2d 1093 (1981).
  - c. [W]hen the prosecution seeks to justify a warrantless search by proof of voluntary consent, it is not limited to proof that consent was given by the defendant, but may show that permission to search was obtained from a third party who possessed common authority over or other sufficient

relationship to the premises or effects sought to be inspected. Common Authority is, of course, not to be implied from the mere property interest a third party has in the property. *The authority which justifies the third-party consent does not rest upon the law of property, with its attendant historical and legal refinements, see Chapman, v. United States, 365 U.S. 610, 81 S.Ct 776, 5 L.Ed.2d 828 (1961) (landlord could not validly consent to the search of a house he had rented to another), Stoner v. California, 376 U.S. 483, 84 S.Ct 889, 11 L.Ed.2d 856 (1964) (night hotel clerk could not validly consent to search of customer's room) but rests rather on mutual use of the property by persons generally having joint access or control for most purposes, so that it is reasonable to recognize that any of the co-inhabitants has the right to permit the inspection in his own right and that the others have assumed the risk that one of their number might permit the common area to be searched. Matlock, supra, 415 U.S. at 171, 94 S.Ct at 993 (emphasis added).*

- d. Our constitutions make no distinction between owned and rented living quarters. So long as a tenant has not abandoned the premises, protection of the Fourth Amendment and art. 1, § 17 is not lost. *Abel v. United States, 362 U.S. 217, 241, 80 S.Ct. 683, 698, 4 L.Ed.2d 668 (1960).*
- e. We hold that Johnson was entirely justified in expecting his landlord to resort to the eviction procedures required by law rather than resorting to self-help in seeking rent payment if he was in fact behind in his rent.



*United States v. Botelho*, 360 F. Supp. 620, 624-25 (D.Hawaii 1973);  
*United States v. Olsen*, 245 F. Supp. 641, 644-45 (D.Mont. 1965); *State v. Taggart*, 7 Or.App. 479, 491 P.2d 1187, 1189 (1971).

f. The exclusionary rule states that evidence obtained as a result of an illegal search or seizure is inadmissible in the criminal trial of a defendant. *Weeks v. United States*, 232 U.S. 383, 394-98, 34 S.Ct. 341, 345-46, 58 L.Ed. 652 (1914); *Gouled v. United States*, 255 U.S. 298, 306-07, 41 S.Ct. 261, 264, 65 L.Ed. 647 (1921).

g. In *State v. Conner*, 59 Idaho 695, 703, 89 P.2d 197, 201 (1939), this Court could already state:

The rule is well settled in this state that evidence, procured in violation of defendant's constitutional immunity from search and seizure, is inadmissible and will be excluded if request for its suppression be timely made. . . . ( *State v. Arrequi*, 44 Ida. 43, 254 P. 788; 52 A.L.R. 463; *State v. Wansgaard*, 46 Ida. 20, 265 P. 671; *State v. Severns*, 57 Ida. 246, 273 P. 940 (emphasis added).

2. In support of Mr. Freeland's second contention, Mr. Freeland relies on *State v. Henage*, 143 Idaho 655, 152 P.3d 16 (2007) and the following authorities contained therein:

a. The test to determine if an individual is seized for Fourth Amendment purposes is an objective one, evaluating whether under the totality of the circumstances "a reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter." *Florida v. Bostick*, 501

U.S. 429, 436, 111 S.Ct. 2382, 2387, 115 L.Ed.2d 389, 399 (1991).

- b. An encounter between an officer and a citizen does not trigger Fourth Amendment scrutiny, however, unless it is nonconsensual. *Florida v. Bostick*, 501 U.S. 429, 434, 111 S.Ct. 2382, 2386, 115 L.Ed.2d 389, 398 (1991). An encounter becomes a seizure only when an officer, by means of physical force or show of authority, has restrained the liberty of a citizen. *United States v. Mendenhall*, 446 U.S. 544, 553-54, 100 S.Ct. 1870, 1876-77, 64 L.Ed.2d 497, 508-09 (1980). The test for deciding whether someone has been seized by a show of authority is an objective one. *Id.* at 554, 100 S.Ct. at 1877, 64 L.Ed.2d at 509. The Supreme Court of the United States has held that a seizure occurs "only if, in view of all the circumstances surrounding the incident, a reasonable person would have believed that he was not free to leave." *Id.* Examples of circumstances that might indicate a seizure would be the threatening presence of several officers, the display of a weapon by an officer, physical touching of the person, or the tone or use of language indicating that compliance with an officer's request might be compelled. *Id.* In the absence of some such evidence, otherwise inoffensive contact between a citizen and an officer cannot, as a matter of law, amount to a seizure of that person. *Id.* at 555, 100 S.Ct. at 1877, 64 L.Ed.2d at 509.
- c. The Fourth Amendment to the United States Constitution prohibits unreasonable searches. A search conducted by law enforcement officers without a warrant is per se unreasonable unless it falls within one of the

narrowly drawn exceptions to the warrant requirement. *Schneckloth v. Bustamonte*, 412 U.S. 218, 219 (1973). One such exception allows an officer to conduct a limited self-protective pat down search of a detainee in order to remove any weapons. *State v. Wright*, 134 Idaho 79, 82, 996 P.2d 298, 301 (2000). "Such a search is allowed to permit a police officer to conduct the inquiry without fear of violence being inflicted upon the officer's person." *State v. Rawlings*, 121 Idaho 930, 933, 829 P.2d 520, 523 (1992). "Whether an officer may reasonably justify such a search is evaluated in light of the 'facts known to the officers on the scene and the inference of the risk of danger reasonably drawn from the totality of the circumstances.'" *Wright*, 134 Idaho at 82, 996 P.2d at 301. In determining the reasonableness of the search, the court employs an objective standard. The U.S. Supreme Court laid out the nature of the inquiry in *Terry v. Ohio*, 392 U.S. 1, 21-2 (1968):

And in justifying the particular intrusion the police officer must be able to point to specific and articulable facts which, taken together with rational inferences from those facts, reasonably warrant that intrusion. The scheme of the Fourth Amendment becomes meaningful only when it is assured that at some point the conduct of those charged with enforcing the laws can be subjected to the more detached, neutral scrutiny of a judge who must evaluate the reasonableness of a particular search or seizure in light of the particular circumstances. And in making that assessment it is

imperative that the facts be judged against an objective standard:  
would the facts available to the officer at the moment of the seizure  
or the search "warrant a man of reasonable caution in the belief"  
that the action taken was appropriate?

- d. Our evaluation of the proper balance that has to be struck in this type of case leads us to conclude that there must be a narrowly drawn authority to permit a reasonable search for weapons for the protection of the police officer, where he has reason to believe that he is dealing with an armed and dangerous individual, regardless of whether he has probable cause to arrest the individual for a crime. The officer need not be absolutely certain that the individual is armed; the issue is whether a reasonably prudent man in the circumstances would be warranted in the belief that his safety or that of others was in danger. And in determining whether the officer acted reasonably in such circumstances, due weight must be given, not to his inchoate and unparticularized suspicion or "hunch," but to the specific reasonable inferences which he is entitled to draw from the facts in light of his experience. *Terry*, 392 U.S. at 27, 88 S.Ct at 1883, 20 L.Ed.2d at 909.
- e. Where nothing in the initial stages of the encounter serves to dispel [the officer's] reasonable fear for his own or others' safety, he is entitled for the protection of himself and others in the area to conduct a carefully limited search of the outer clothing of such persons in an attempt to discover weapons which might be used to assault him." *Terry*, 392 U.S. at 30, 88 S.Ct at 1884, 20 L.Ed.2d at 911.

In conclusion, Mr. Freeland asserts and prays that the evidence procured and based upon the forgoing be suppressed.

Oral argument is requested.

Dated this 4<sup>th</sup> day of May, 2016.

/s/ George P. Essma  
George P. Essma  
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that I caused a true and correct copy of the foregoing  
MOTION to be properly delivered to the Prosecutor, on this 4<sup>th</sup> day of May, 2016.

Grant Loeb  
Prosecutor

[inbox.pros@tfco.org](mailto:inbox.pros@tfco.org)

/s/ Betsy Brown  
Betsy Brown  
Legal Assistant

16000514

REPORT NUMBER

**Twin Falls  
Police Department  
INCIDENT REPORT**



**NARRATIVE**

REPORTED BY 12300 SMRIKO, SAMIR

REPORT FILED 01/28/2016

1600514A.300

Supervisor: Sgt. Justin Dimond

01/28/16

Felony Crime Report  
Non-Forced Residential Burglary

Misdemeanor Crime Report  
Possession of Paraphernalia

On 01/27/16 at approximately 1133 hours, I was dispatched to 443 2<sup>nd</sup> Avenue North in reference to a burglary. Upon arrival I made contact with Mike J. Maxwell, who advised me that earlier that morning, he went to the back of his lot to a small apartment he was allowing Scott C. Freeland to stay in. When he entered the apartment, he saw some odd items. I asked Mr. Maxwell where Mr. Freeland was and he told me Mr. Freeland had been evicted, and left approximately three weeks ago. I asked why Mr. Freeland's belongings were still there. He said Mr. Freeland told him to pawn the items, as he owed Mr. Maxwell a lot of money.

Mr. Maxwell said when he entered the apartment, he noticed a watch case that belonged to him. Mr. Maxwell said the watch was extremely expensive and identified it as a Clerc watch valued at approximately \$7,000. I asked Mr. Maxwell when the watch was taken and he could not give me an approximate date.

Mr. Maxwell stated a 9 mm Ruger gun was also missing, serial #32436941. He was unsure where the gun was and was convinced Mr. Freeland took that item as well.

Mr. Maxwell looked around the apartment and when we went upstairs, I noticed a pink case containing approximately three empty syringes, ranging from 50 ml to 100 ml. I collected the paraphernalia for evidence and placed it in a baggie. I took photographs of the stolen watch and the area where the syringes were found for evidence.

I advised Mr. Maxwell to list all the items he believed were stolen by Mr. Freeland. See property detail sheet attached to this case.

Mr. Maxwell stated he noticed a black-and-camouflage zippered bag behind the TV. Mr. Maxwell said when he opened the bag, it was full of prescription medication. He said the medication did not belong to Mr. Freeland. I looked at the medication and it belonged to two individuals, Shagheyegh Shademan and Abbasali Abdolazimsard, who both resided at 159 Carney Street.

I placed the evidence in a temporary locker at the Twin Falls Police Department and then responded to 159 Carney Street. I made contact with the homeowner, who advised me that Mr. Abdolazimsard and Mr. Shademan had moved to an unknown location. As I could not find the owners of the pills or a case number to indicate the pills had been reported stolen, the pills will be placed into evidence for destruction under case #1600520. The

16000514

REPORT NUMBER

**Twin Falls  
Police Department  
INCIDENT REPORT**



**NARRATIVE**

items were packaged and placed into evidence; see property detail sheet for further information on the stolen items.

Officer Samir Smriko  
SS/i

D137



16000514

REPORT NUMBER

# Twin Falls Police Department INCIDENT REPORT



## PROPERTY

CR REFERENCE # 13 INVOLVEMENT ☐ Submitted to Property ☐ Evidence ☐ In Custody  
 TYPE 17 WATCH S Stolen SYSTEM # 13 PROP.ROOM #  
 QUANTITY 1 NCIC CODE  
 BRAND ANDROID COLOR  
 SERIAL MODEL  
 LOSS VALUE \$69.00 DATE 02/01/2015 OAN  
 RECOVERED VALUE \$0.00 DATE AGENCY TFPD  
 COMMENTS UNIQUE, GUN CYLINDER FACE, METAL BULLETS STRAPPED TO LEATHER BAND, BRUSHED ALUMINUM METAL WATCH, BLACK FACE NO NUMBERS, LEATHER STRAP, 6 BRUSHED ALUMINUM BULLET SHAPED OBJECTS  
☐ Disposed DATE  
☐ Hold DATE  
 TAG BAR CODE  
 EVIDENCE TECH SHELF  
 ASSOC. NAMES REL. REF # NAME DOB  
 VI 2 MAXWELL, MIKE

CR REFERENCE # 14 INVOLVEMENT ☐ Submitted to Property ☐ Evidence ☐ In Custody  
 TYPE 27 RECORDINGS-AUDIO/SMRIKO E Evidence SYSTEM # 14 PROP.ROOM #  
 QUANTITY 0 NCIC CODE  
 BRAND COLOR  
 SERIAL MODEL  
 LOSS VALUE \$0.00 DATE  
 RECOVERED VALUE \$0.00 DATE  
 COMMENTS 1600546A  
☐ Disposed DATE  
☐ Hold DATE  
 TAG BAR CODE  
 EVIDENCE TECH SHELF  
 ASSOC. NAMES REL. REF # NAME DOB  
 VI 2 MAXWELL, MIKE

CR REFERENCE # 15 INVOLVEMENT ☐ Submitted to Property ☐ Evidence ☐ In Custody  
 TYPE 11 DRUG/NARCOTIC EQUIPMENT E Evidence SYSTEM # 15 PROP.ROOM #  
 QUANTITY 3 NCIC CODE  
 BRAND COLOR  
 SERIAL MODEL  
 LOSS VALUE \$1.00 DATE 02/01/2015 OAN  
 RECOVERED VALUE \$1.00 DATE 01/27/2016 AGENCY TFPD  
 COMMENTS 3 SYRINGES W/ ORANGE CAP  
☐ Disposed DATE  
☐ Hold DATE  
 TAG BAR CODE  
 EVIDENCE TECH SHELF  
 ASSOC. NAMES REL. REF # NAME DOB  
 SUSP 1 FREELAND, SCOTT CAMERON

D139

16000514

REPORT NUMBER

**Twin Falls  
Police Department  
SUPPLEMENTAL INCIDENT REPORT**



**NARRATIVE**

SUPPLEMENT DATE 01/29/2016  
APPROVAL DATE 02/11/2016

OFFICER 12255 SOLOMON, DUSTY  
OFFICER 12215 FRICK, DAVID

1600514A.255

Supervisor: Sgt. David Frick

01/29/16

Felony Crime Report Supplement  
Non-Forced Residential Burglary

Misdemeanor Crime Report Supplement  
Possession of Paraphernalia

Connecting Case #1600546

On 01/28/16 at 2237 hours, I was dispatched to 443 2<sup>nd</sup> Avenue North in reference to a male who would not leave the property and was possibly causing a disturbance. I was informed that on 01/27/16 the homeowner, identified as Mike Maxwell, had filed a theft report listing the male, identified as Scott Freeland, as the suspect.

Upon arrival I observed a male later identified as Mr. Freeland having a conversation with an adult female on the front porch. When he saw us, he immediately reached for his pockets but stopped when ordered not to do so. Mr. Freeland came down from the porch and remained with Officer Jerry Hutchison while I entered the house to speak with Mr. Maxwell. I left the door open so I could overhear what was going on outside in the event I needed to assist Officer Hutchison.

I learned from Mr. Maxwell that Mr. Freeland had been a tenant on his property, living in a residence behind his house. Mr. Maxwell stated Mr. Freeland had moved out two weeks prior, at which point the Maxwells noticed they were missing items, including a Ruger LC9 handgun and several expensive watches. Mr. Maxwell said when they entered the rental residence after Mr. Freeland left, they found their 9 mm bullets in the residence, as well as a box from one of the missing watches and several hand tools which had been taken from them as well.

Mr. Maxwell said when they approached Mr. Freeland about these items, Mr. Freeland made up a story claiming other people must have taken them. Mr. Maxwell previously filed a report with Officer Samir Smriko regarding the theft of these items from his home. Mr. Maxwell requested I find out if Mr. Freeland had the missing items which had been reported stolen.

I went outside to speak with Mr. Freeland. Mr. Freeland had been advised of his Miranda Rights by Officer Hutchison. Mr. Freeland stated he would never steal anything from the house, and claimed that the items had probably been stolen by a female friend of his named Danielle (LNU), who had left for Oregon.

Mr. Freeland was wearing a large jacket and it was obvious there were things in his pockets. Mr. Freeland offered to empty his pockets for us. While he was doing so, Mr. Freeland was holding his right arm very carefully and appeared to be protecting his side. Officer Hutchison immediately turned him around and patted down the outside of his clothing. When he reached Mr. Freeland's right hip, Officer Hutchison immediately felt a gun that Mr.

D136

ORIGINAL

Prosecuting Attorney  
for Twin Falls County  
Twin Falls, Idaho 83303

1600546

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

MAGISTRATE DIVISION

STATE OF IDAHO,

Plaintiff,

vs.

Freeland Scott Cameron,

DOB:

SS:

Defendant.

AFFIDAVIT IN SUPPORT OF  
COMPLAINT

STATE OF IDAHO,

County of Twin Falls

) ss.

I, Dusty D Solomon, being first duly sworn, state that my answers to the questions asked by the Court with reference to said Complaint are as follows:

1. Did you personally observe the act(s) being committed as alleged in the Complaint?

ANSWER: Yes.

2. Please state the information which gives you reason to believe

- AFFIDAVIT

EXHIBIT 2 COPY D86

the above-named defendant committed the crime(s) alleged in the Complaint.

ANSWER: On January 28, 2016 at 22:37, I was dispatched to 443 2<sup>nd</sup> Avenue North in the City and County of Twin Falls, State of Idaho,

regarding a male subject who would not leave the property and was possibly causing a disturbance. I was informed that on January 27, 2016, the homeowner, identified as Mike Maxwell, had filed a theft report listing the male subject, identified as Scott Freeland, as the suspect.

Upon arrival, I observed a male subject, later identified as Freeland, in a conversation with an adult female on the front porch.

~~When he saw us he immediately reached for his pockets, but stopped~~  
when ordered not to do so. The male subject came down from the porch and remained with Officer Jerry Hutchison while I entered the house to speak with Maxwell. I left the door open so I could overhear what was going on outside in the event that I needed to assist Officer Hutchison.

I learned from Maxwell that Freeland had been a tenant on his property living in a residence behind his house. Maxwell stated that Freeland had moved out two weeks prior, at which point the Maxwell's noticed they were missing items, including a Ruger LC9 handgun and several expensive watches. Maxwell shared that when they entered the residence after Maxwell left they found their 9mm bullets in the house where he lived as well as a box to one of the missing watches and several hand tools. Maxwell told me that when they approached Freeland about these missing items, Freeland made up a story claiming that other people must have taken them.

- AFFIDAVIT

Maxwell had filed a report earlier with Officer Samir Smirko regarding the theft of these items from his home. Maxwell requested that I find out if Freeland had the missing items that had been reported stolen.

I went outside to speak with Freeland. Freeland had already been advised of his Miranda Rights by Officer Hutchison. Freeland stated that he would never steal anything from the house and claimed that the items had probably been stolen by a female friend of his named Danielle who had left for Oregon.

Freeland was wearing a large jacket and it was obvious there were things in his pockets. Freeland offered to empty his pockets for us. While he was doing so, Freeland was holding his right arm very carefully and appeared to be protecting his side. Officer Hutchison immediately turned him around and patted down the outside of his clothing. When he reached Freeland's right hip, Officer Hutchison immediately recognized a gun that Freeland had concealed underneath his jacket.

Freeland was immediately placed into custody and the gun was obtained. Upon running the information, it was learned that this was the gun that Maxwell had reported stolen. The laser site on the gun had been removed and the gun was in a holster that did not belong to Maxwell. The magazine in the gun was fully loaded with seven 9mm rounds.

Freeland stated that one of Danielle's friends, identified as Mike, had given him the gun in exchange for some tattoo equipment. Freeland was adamant that he had not stolen anything from the Maxwell

- AFFIDAVIT

home and that he did not know the whereabouts of any of the other missing items.

After reviewing Freeland's criminal history, it was discovered that ~~he had numerous felony convictions that would prohibit him from~~ being in possession of a firearm. Freeland was transported to the Twin Falls County Criminal Justice Facility where he was booked on a felony charge of Felon in Possession of a Firearm and a felony charge of Grand Theft by Possession.

~~3. What further information do you have giving you reasonable grounds to believe that the Defendant committed the crime(s) alleged?~~

ANSWER: I have nothing further at this time.

4. Do you believe a warrant should be issued?

ANSWER: No, the defendant is currently in custody.

5. Set out any information you have, and its source, as to why a warrant instead of a summons should be issued?

ANSWER: There is no need for a warrant at this time. The defendant is currently in custody.

See attached Warrant Information Page.

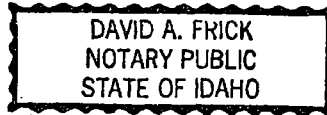
- AFFIDAVIT

DATED this 29th day of January, 2016.

Dusty Solana  
Affiant

Subscribed to and sworn before me this 29th day of January, 2016.

DAVID A. FRICK  
NOTARY PUBLIC  
Residing at: Twin Falls, Idaho  
My commission expires: 03/07/2018



- AFFIDAVIT

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Amended Notice of Pre-Trial and Jury Trial

Event Code: NOTH

NOTICE IS GIVEN That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Pre-trial Conference	May 31, 2016	04:00 PM	Randy J. Stoker
Jury Trial	June 6, 2016 and June 7, 2016	08:30 AM 08:30 AM	Randy J. Stoker

at the:

Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: May 04, 2016

By: Dorothy McMullen  
Deputy Clerk

CERTIFICATE OF SERVICE

I certify that on May 04, 2016, I served a copy of the attached to:

Grant P Loebs  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303

[x] By email

By: Dorothy McMullen  
Deputy Clerk





IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Suppression Hearing

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Motion to Suppress	June 9, 2016	01:30 PM	Randy J. Stoker

at the:

Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: May 05, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on May 05, 2016, I served a copy of the attached to:

Grant P Loebs  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303

[x] By email

By: Dorothy McMullen  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Hearing

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Pre-trial Conference	June 27, 2016	04:00 PM	Randy J. Stoker
Jury Trial	July 13, 2016 and July 14, 2016	08:30 AM 08:30 AM	Randy J. Stoker

at the:

Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: May 05, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on May 05, 2016, I served a copy of the attached to:

Grant P Loeb  
PO Box 126  
Twin Falls ID 83303-0126

[x] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303

[x] By email

By: Dorothy McMullen  
Deputy Clerk



GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

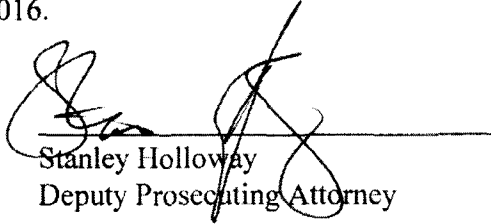
COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of supplements numbered D208.

Supplemental Response to Request for Discovery - 1

The State reserves the right to supplement discovery as information becomes available.

DATED this 5<sup>th</sup> day of May, 2016.

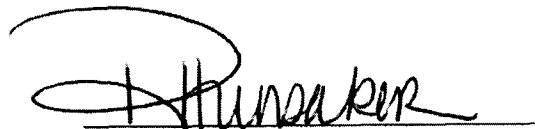


Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9th day of May, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

<b>Supplemental Response to Request for Discovery</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>
 <b><input checked="" type="checkbox"/> Unredacted copy of Discovery</b>	 <input type="checkbox"/>	 <b>E-Serve</b>
	<input checked="" type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>
 <b><input type="checkbox"/> Redacted copy of Discovery</b>	 <input type="checkbox"/>	 <b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>



Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

AMENDED Notice of Hearing Pre-trial  
Conference

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Pre-trial Conference	June 24, 2016	04:00 PM	Randy J. Stoker

at the: Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☒ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: June 07, 2016

By: *Angela Aguirre*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

Grant P. Loebbs  
PO Box 126  
Twin Falls ID 83303-0126  
inbox.pros@co.twin-falls.id.us

[X] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303-0126  
tfcpubdef@co.twin-falls.id.us

[X] By email

Dated: June 07, 2016

By: *Angela Aguirre*  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS  
\*\*\*\*\*  
TWIN FALLS CO., IDAHO  
FILED

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016-JN-7 PM 12:38  
2016 JUN 7 1074

BY \_\_\_\_\_ CLERK  
**CRIMINAL SUBPOENA**  
Office of the Public Defender  
734-1155  
OFFICE

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **OFFICER DUSTY SOLOMAN**  
**TWIN FALLS POLICE DEPARTMENT**  
**TWIN FALLS, IDAHO 83301**  
**(208)733-0876**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK

By: Andrew Nicholson  
Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Dusty Soloman, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Dusty Soloman, said witness personally, and informing Dusty Soloman of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: Andrew Nicholson

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS  
\*\*\*\*\*  
TWIN FALLS CO., IDAHO  
FILED

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016 JUN-7 PM 12:36  
2016 JUN-10 7:41

BY \_\_\_\_\_ CLERK  
**CRIMINAL SUBPOENA**  
Office of the Public Defender  
734-1155

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **OFFICER JERRY HUTCHISON**  
**TWIN FALLS POLICE DEPARTMENT**  
**TWIN FALLS, IDAHO 83301**  
**(208)733-0876**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK

By: Andrew Hutchison

Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Jerry Hutchison, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Jerry Hutchison, said witness personally, and informing Jerry Hutchison of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: [Signature]



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO  
\*\*\*\*\*

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016 JUN -7 PM 12:38  
CR42-16-1074

BY \_\_\_\_\_ CLERK

CRIMINAL SUBPOENA  
Office of the Public Defender  
734-1155

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **OFFICER SAMIR SMIRKO**  
**TWIN FALLS POLICE DEPARTMENT**  
**TWIN FALLS, IDAHO 83301**  
**(208)733-0876**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK By: Andrew Michelson

Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Samir Smirko, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Samir Smirko, said witness personally, and informing Samir Smirko of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: [Signature]

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO  
\*\*\*\*\*  
DISTRICT COURT  
TWIN FALLS CO., IDAHO  
FILED

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016 JUN -7 PM 1:05  
CR42-16-1074

BY \_\_\_\_\_ CLERK  
CRIMINAL SUBPOENA  
Office of the Public Defender  
734-1155 DEPUTY

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **STEPHANIE HALL**  
**443 2<sup>nd</sup> AVENUE NORTH**  
**TWIN FALLS, IDAHO 83301**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK

By: Andrew Mickelson  
Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Stephanie Hall, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Stephanie Hall, said witness personally, and informing Stephanie Hall of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: Aly O'Call

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO  
\*\*\*\*\*  
FILED

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016 JUN -7 PM 1:05  
CR42-16-1074

BY \_\_\_\_\_ CLERK

CRIMINAL SUBPOENA  
Office of the Public Defender  
734-1155

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **ELIZABETH MAXWELL**  
**443 2<sup>nd</sup> AVENUE NORTH**  
**TWIN FALLS, IDAHO 83301**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK

By: Andrew Nichols  
Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Elizabeth Maxwell, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Elizabeth Maxwell, said witness personally, and informing Elizabeth Maxwell of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: [Signature]

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS, IDAHO  
\*\*\*\*\*  
DISTRICT COURT  
TWIN FALLS, IDAHO  
FILED

STATE OF IDAHO,

Plaintiff,

v.

SCOTT FREELAND,

Defendant.

Case No. 2016 JUN -7 PM 1:05  
CR42-16-1074

BY \_\_\_\_\_ CLERK  
**CRIMINAL SUBPOENA**  
Office of the Public Defender  
734-1155

**THE STATE OF IDAHO SENDS GREETINGS**

TO: **MIKE MAXWELL**  
**443 2<sup>nd</sup> AVENUE NORTH**  
**TWIN FALLS, IDAHO 83301**

YOU ARE COMMANDED TO Appear before the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, in the Theron Ward Judicial Building, in the City of Twin Falls, County of Twin Falls, State of Idaho, on **June 9<sup>th</sup>, 2016, at 1:30 p.m.** and thereafter until complete, for a Motion to Suppress, as a witness on the part of the defense, in the above entitled criminal action prosecuted by the State of Idaho.

WITNESS My hand and seal of said Court this 7<sup>th</sup> day of June, 2016.

KRISTINA GLASCOCK, CLERK By: Audrey Nicholson

Deputy

STATE OF IDAHO, COUNTY OF TWIN FALLS, ss.

I HEREBY CERTIFY, That I served the within subpoena on the 7<sup>th</sup> day of June, 2016 on Mike Maxwell, being the witness named in the within subpoena, at the County of Twin Falls, State of Idaho, by serving and/or faxing and/or showing the original to Mike Maxwell, said witness personally, and informing Mike Maxwell of the contents thereof.

DATED 7<sup>th</sup> day of June, 2016.

By: [Signature]

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 42-16-1074
	)	
Plaintiff,	)	
vs.	)	<b>STATE'S RESPONSE TO</b>
	)	<b>DEFENDANT'S <i>MOTION TO</i></b>
SCOTT FREELAND,	)	<b><i>SUPPRESS</i></b>
	)	
Defendant.	)	
_____	)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Senior Deputy Prosecuting Attorney, and hereby responds to the Defendant's *Motion to Suppress* filed with the District Court in the above-entitled case.

**FACTS**

Mike Maxwell and his wife had been renting a small house at the back of his personal residence to a person named Scott Freeland for about a year. Mr. Freeland had not paid rent for

several months due to some health issues preventing employment. Mr. Maxwell and his wife started noticing a lot of foot traffic at all hours of the night going in and out of Mr. Freeland's house, so just before Christmas, 2015, Mr. Maxwell informed Mr. Freeland that he would have to find another place to live which prompted Mr. Freeland to tell the Maxwells that he was moving out of the residence and that the Maxwells could sell whatever was left of his property and apply any proceeds to the past due rent. Mr. Freeland thereafter vacated the residence and abandoned what property he may have owned in early to mid-January, 2016, about the time the electricity was shut off by the city. As soon as the electricity had been shut off, the Maxwells turned off the water to the house to prevent any frozen pipes. The Maxwells kept an eye on whether anyone ever returned to the house and did not notice any footsteps in the snow around the back house. Therefore, after about two weeks of inactivity, they felt assured that Mr. Freeland had indeed vacated the house.

On January 27, 2016, Mr. Maxwell decided to inspect the back house and size up the job needed to clean it up. Mr. Maxwell entered the back house by himself with his key and found a lot of clutter and junk. He looked around and found items that concerned him, including a watch case for a watch belonging to Mr. Maxwell that should have been in the main house, ammunition belonging to a missing gun and prescription pills/drug paraphernalia. Based on what he found, Mr. Maxwell called the police. A short time later, Officer Samir Smirko responded and made contact with Mr. Maxwell who told him that Mr. Freeland had vacated the back house 2 - 3 weeks ago, that he had found items of concern and also identified other items that he was missing from his residence, including a 9mm pistol, and named Mr. Freeland as a possible suspect. Mr. Maxwell at that point asked the officer to accompany him into the back house so that the officer

could take custody of the prescription pills/drug paraphernalia and dispose of them. Thereafter, Officer Smriko went into the back house, took the prescription pills/drug paraphernalia into custody, and disposed of them after attempting to find the true owners of the pills. Officer Smriko took and filed a report from the Maxwells as to the serial number, make and model of the missing handgun and listed Mr. Freeland as a possible suspect in the taking of that item.

The following night, January 28, 2016 at approximately 10:37 p.m., Officers Dusty Solomon and Jerry Hutchison responded to a call from the Maxwell residence about an unwanted man refusing to leave and possibly causing a disturbance. While enroute, Officer Solomon learned that the Maxwells had filed a theft report the previous day listing Scott Freeland as a possible suspect. Upon arrival, the officers walked up to the residence and could hear an excited, argumentative conversation between a male, later identified as Scott Freeland, and a female, later identified as Mrs. Maxwell, on the porch. As the officers came into view of Mr. Freeland, he suddenly reached down with his hands towards the right side of his pocket at the bottom of his jacket, which prompted the officers to be so concerned about their safety that Officer Hutchison drew his service weapon and ordered Mr. Freeland to get his hands up. Mr. Freeland complied and the officer holstered his weapon and asked him if he had a weapon to which Mr. Freeland responded that he did not have a weapon. Officer Hutchison requested that Mr. Freeland lift up his jacket which he agreed to do and when he was lifting up his jacket, the officer did not notice anything of concern at that time. While Officer Solomon was interviewing the homeowners about the events of the evening, Officer Hutchison detained Mr. Freeland outside the residence while the investigation of why the police were called that night was concluded. During this time, Officer Hutchison advised Mr. Freeland that he was being detained and gave him his Miranda

rights, however, at that point had not patted or frisked Mr. Freeland nor place him into handcuffs. Officer Solomon, having concluded her interview with the homeowners who told her that they suspected Mr. Freeland of some thefts of their personal property and asked that the officer inquire of Mr. Freeland his knowledge as to the whereabouts of their property, approached Officer Hutchison and Mr. Freeland and inquired whether Mr. Freeland had been patted down. Officer Hutchison replied that he had not done so and asked Mr. Freeland if he could empty out his pockets. Mr. Freeland responded by offering to empty out his own pockets, which the officers agreed would be acceptable. While Mr. Freeland was doing so, his actions in moving his jacket to empty out his pocket uncovered what appeared to be the bottom of a gun holster at this waistband. At that point, Officer Hutchison grabbed Mr. Freeland, frisked the area where he saw the holster and felt what appeared to be a gun in a holster. Mr. Freeland was placed into handcuffs and a subsequent search of that waistband area turned up a black holster with a 9 mm handgun with a loaded magazine. The handgun turned out to be the handgun reported stolen by the Maxwells the day before.

## **ISSUES**

1. The defendant claims that the items located during the search of the back house should be suppressed because it was a warrantless search of his residence.
2. The defendant claims that the items located during the search of his person should be suppressed because it was a warrantless search of his person.



## ARGUMENT

1. As to the items found in the back house, there were two searches of the back house done on January 27, 2016, the first by Mr. Maxwell in which he saw or found the watch case, the ammunition and the prescription pills/drug paraphernalia; and, the second when the police were called by Mr. Maxwell as a result of his search.

### A. First Entry by Mr. Maxwell

The Fourth Amendment does not apply to searches and seizures conducted by private persons, so long as the government does not participate in the search and the private persons conducting the search are not acting as instruments or agents of the government. *State v. Kopsa*, 126 Idaho 512, 887 P.2d 57 (Ct. App. 1994). To determine whether the private party was acting as an agent of the government, two factors are considered: (1) the knowledge of the government; and, (2) the intent of the private person conducting the search. *Kopsa*. The burden of proof is on the defendant to show that the private search is subject to Fourth Amendment scrutiny due to government involvement. *Id.*

As to the first search, Mr. Maxwell went into the house to clean it up as he had a reasonable understanding that Mr. Freeland had vacated the premises and abandoned what tenancy rights he may have had weeks prior to the entry. Mr. Freeland was behind on the rent for several months and had told the Maxwells that he was leaving and vacating the house. The electricity and water services had also been cut off weeks prior to the entry by Mr. Maxwell. And, the Maxwells had not noticed any recent activity such as footprints in the snow near the back house. Given those facts, it was reasonable for the owner to enter into the house to see what needed to be repaired or cleaned up to put the house in a habitable condition. It was only after

Mr. Maxwell found the items, i.e. watch case, the ammunition and the prescription pills/drug paraphernalia, that he got the government involved. Therefore, the government did not direct or participate in the first search as it had no knowledge that Mr. Maxwell had entered that house at that point. Therefore, the items found or seen by Mr. Maxwell during the first entry should not be suppressed.

#### B. Second Entry by Officer Samir Smriko

Unreasonable searches are prohibited based upon the Fourth Amendment. A search conducted by law enforcement without a warrant is considered to be unreasonable unless it falls within an exception to the warrant requirement. Consent searches are a recognized exception to the warrant requirement. A consent to search must be given freely and voluntarily and the party consenting to the search must have proper authority over the property to be searched. *United States v. Matlock*, 415 U.S. 164, 94 S.Ct. 988 (1974); *State v. Johnson*, 110 Idaho 516, 716 P.2d 1288 (1986). Consent may be communicated by words, gesture, or conduct. *State v. Staatz*, 132 Idaho 693, 978 P.2d 881 (Ct. App. 1999).

Generally, a landlord does not have common authority over a tenant's residence if the tenant is in actual possession of the residence. *State v. Brauch*, 133 Idaho 215, 984 P.2d 703 (1999), reh'g denied; *State v. Johnson*, 110 Idaho 516, 716 P.2d 1288 (1986); and *State v. Benson*, 133 Idaho 152, 983 P.2d 225 (Ct. App. 1999). However, if the tenant has abandoned the premises, then the landlord may have actual authority to consent. *Brauch*. Evidence of abandonment includes the removal of personal belongings, termination of utilities, nonpayment of rent, and statements by the tenant. *Id.*

In addition, if the landlord lacks actual authority to consent, but the officer reasonably believes that the landlord has actual authority, then the consent may be valid under the doctrine of apparent authority. *State v. Brauch*, 133 Idaho 215, 984 P.2d 703 (1999).

In the case at hand, defendant abandoned the back house and therefore he has no standing to challenge the warrantless entry by Officer Smriko. As set forth in the Bauch case, evidence of abandonment includes statements of the tenant, which in this case involved defendant telling the Maxwells that he was moving out of the house on multiple occasions which were corroborated by the fact that the Maxwells saw no activity in the house or in the snow evidencing that Mr. Freeland was in fact not coming back to the house. As to the removal of personal property, once again, Mr. Freeland told the Maxwells to sell whatever personal property he left in the house and apply it to the past due rent. Mr. Freeland had not paid rent for several months to the Maxwells. But, the more evident of the factors that he had abandoned the house was that the utility services of electricity and water had been terminated for a couple weeks prior to January 27, 2016. It's clear that defendant had abandoned the house and therefore the landlord could give actual authority to Officer Smriko to enter into the house and conduct a search. Officer Smriko only gathered up the physical items of prescription pills/drug paraphernalia which are not relevant to the case at hand.

Even if defendant retained some leasehold interest in the house, clearly the officer, under the facts known to the officer, i.e. that Mr. Freeland had vacated and abandoned his property, the officer could reasonably believe that the landlord had actual authority to consent under the apparent authority doctrine.

Defendant asserts that since there was no warrant, the burden shifts to the State to proceed and justify the searches, however, since defendant had abandoned the back house, it is the defendant's initial burden to show that he has standing to proceed on a motion to suppress evidence.

2. Stop and investigatory detention is a recognized exception to the warrant requirement. *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct 1868 (1968). An officer may stop and detain an individual if, based on the totality of the circumstances, the officer has a reasonable suspicion, based on specific and articulable facts, that the suspect has been, is, or is about to engage in criminal activity. *United States v. Brignni-Ponce*, 422 U.S. 873, 95 S.Ct. 2574 (1975), *State v. Rawlings*, 121 Idaho 930, 829 P.2d 520 (1992). In order for a stop to comply with the Fourth Amendment, the officer's conduct during the stop must be reasonable. *United States v. Sharpe*, 470 U.S. 675, 105 S.Ct 1568 (1985). There is no bright line rule or litmus paper test to determine when a stop becomes unreasonable or escalates into a de facto arrest. *Sharpe*; *State v. Pannell*, 127 Idaho 420, 901 P.2d 1321 (1995).

Mr. Freeland was detained as a result of being called out by a citizen reporting that there was a man at a residence refusing to leave and possibly causing a disturbance. Officers arrived and while walking up to the residence, they noted the defendant involved in an "excited" or "argumentative" conversation with a female. That as soon as the defendant realized that the police are there, he made a movement to his pocket or waistband that alerted the officers and caused one of them to actually draw out his service weapon. Once the situation is defused, the officers separate the parties to find out what is going on. Defendant is not frisked at that time

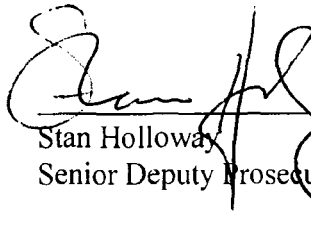
and not placed into handcuffs. Defendant is informed of his Miranda rights and tells the officers that he doesn't have a weapon. When the officer who had been talking with the homeowner comes to talk with defendant, he is asked about what property he may have in his pockets and he volunteers to empty out the contents of his pockets and it is while doing this that the officer notices a portion of a gun holster, recognizes it as such and that the defendant may have lied about having a weapon. Given the fact that the defendant made a furtive movement to his waistband and possibly lied about having a weapon, the officer physically restrained the defendant and frisked the exterior area of where he saw the holster. The officer clearly felt what appeared to be a gun and upon removing it found that it was a 9mm handgun with a loaded magazine which was the same gun the homeowner suspected this defendant to have stolen.

### **CONCLUSION**

The Maxwell's search of the house on January 27, 2016 was a search by a private citizen, without any governmental direction or knowledge. As such, that search did not trigger a requirement to obtain a search warrant. In addition, defendant vacated and abandoned the back house and therefore he had no privacy interests to be protected, thus both Mr. Maxwell's first search and the subsequent search with Officer Smriko was completed by the consent of Mr. Maxwell, the person who could give actual, if not, apparent consent. On January 28, 2016, while defendant may have been detained at the time he was requested to empty out the contents of his pockets, defendant was never in handcuffs, had been given his Miranda rights and he voluntarily consented to a search of his person and actually offered to and was engaged in emptying out his pockets which resulted in his jacket moving, whereupon Officer Hutchison saw in plain view the end of a gun holster on the defendant's waistband area.

WHEREFORE, the State respectfully moves this Court to deny the defendant's *Motion to Suppress*.

DATED this 7<sup>th</sup> day of June, 2016.



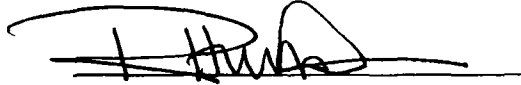
Stan Holloway  
Senior Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 8<sup>th</sup> day of June, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**STATE'S RESPONSE TO DEFENDANT'S *MOTION TO SUPPRESS***

<input checked="" type="checkbox"/>	<b>E-Serve</b>
<input type="checkbox"/>	<b>Court Folder</b>
<input type="checkbox"/>	<b>E-mail</b>
<input type="checkbox"/>	<b>U.S. Mail</b>
<input type="checkbox"/>	<b>Fax</b>



Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
**COURT MINUTES**

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Event Code: CMIN

JUDGE: Stoker, Randy J.

DATE: June 09, 2016

CLERK: Angela Aguirre

COURTROOM: Courtroom 2

HEARING TYPE: Motion to Suppress

COURT REPORTER: Tracy Barksdale

**Parties:**

**State of Idaho**

**Attorney: Stan Holloway**

**Scott Cameron Freeland**

**Attorney: George P. Essma**

**Hearing Start Time: 1:42 PM**

Journal Entries:

- (142) The State of Idaho appeared through counsel, Stan Holloway, the defendant appeared in person and with counsel, George Essma, this being the time and place set for motion to suppress in the above action. The Court clarified issues/items for suppression. (143) Mr. Essma responded. (147) Mr. Holloway responded. (150) Mr. Essma responded further. (153) Mr. Essma presented stipulation for audio. (154) Defendant's exhibit 1 and 2 were marked and admitted. (155) Mr. Essma moved to exclude witnesses. Witnesses were excluded. (158) Mr. Holloway called Elizabeth Liza Maxwell and she was sworn. (159) Mr. Holloway examined the witness. (209) Mr. Essma cross-examined the witness. (219) Witness stepped down. (220) Mr. Holloway called Mike Maxwell and he was sworn. (220) Mr. Holloway examined the witness. (230) Witness was proffered State's exhibit 2. (231) State's exhibit 2 (Photo Clerc box) was admitted. (232) Witness was proffered State's exhibit 1 and 3. (233) Mr. Holloway offered State's exhibit 1. State's exhibit 1 (Photo couch with Idaho Power pouch) was admitted. (234) State's exhibit 3 (Photo gun box) was admitted. (244) Mr. Essma cross-examined the witness. (314) Mr. Holloway questioned the witness on re-direct examination. (316) Witness stepped down. (316) Court recessed. (335) Court reconvened. (335) Mr. Holloway call Samir Smriko and he was sworn. Mr. Holloway examined the witness. (345) Mr. Essma cross-examined the witness. (357) Mr. Holloway questioned the witness on re-direct examination. (358) Witness was proffered State's exhibits 1-3. (400) Witness was excused. (400) Mr. Holloway called Duty Soloman and she was sworn. (402) Mr. Holloway examined the witness. (414) Mr. Essma cross-examined the witness. (446) Mr. Holloway questioned the witness on re-direct examination. (446) Mr. Essma questioned the witness on re-cross examination. (451) Witness stepped down. (453) The Court admonished witnesses not to discuss testimony. (454) The Court set for continued suppression at 9:00am on ~~July 15, 2016.~~ (456) Court recessed.  
June (ALA)



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Hearing- Motion to Suppress  
Continued

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

<u>Hearing Type</u>	<u>Date</u>	<u>Time</u>	<u>Judge</u>
Motion to Suppress- Continued	June 15, 2016	09:00 AM	Randy J. Stoker

at the: Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☒ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: June 10, 2016

By: *Angela Aguirre*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

Grant P. Loebbs  
PO Box 126  
Twin Falls ID 83303-0126  
inbox.pros@co.twin-falls.id.us

[X] By email

Marilyn Paul  
PO Box 126  
Twin Falls ID 83303-0126  
tfcpubdef@co.twin-falls.id.us

[X] By email

Dated: June 10, 2016

By: *Angela Aguirre*  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS  
**COURT MINUTES**

State of Idaho  
Plaintiff,

vs.

Scott Cameron Freeland  
Defendant.

Case No. CR42-16-1074

Event Code: CMIN

JUDGE: Stoker, Randy J.

CLERK: Angela Aguirre

HEARING TYPE: Motion to Suppress

DATE: June 15, 2016

COURTROOM: Courtroom 2

COURT REPORTER: Tracy Barksdale

**Parties Present:**

**Attorney: Stan Holloway**

**Scott Cameron Freeland**

**Attorney: George P. Essma**

- (903) The State of Idaho appeared through counsel, Stan Holloway, the defendant appeared in person and with counsel, George Essma, this being the time and place set for continued motion to suppress in the above action. (904) Mr. Holloway called Jerry Hutchison and he was sworn. (905) Mr. Holloway examined the witness. (921) Witness was proffered State's exhibit 4. (921) State's exhibit 4 (Photo Gun) was admitted. (922) Mr. Essma cross-examined the witness. (938) Mr. Holloway questioned the witness on re-direct examination. (939) Witness was excused. (940) Mr. Holloway called Stephanie Hall and she was sworn. (941) Mr. Holloway examined the witness. (944) Witness was excused. (944) The State had no further evidence to present. (944) Mr. Essma called Scott Freeland and he was sworn. (945) Mr. Essma examined the witness. (1010) Court recessed. (1024) Court reconvened. Witness, Scott Freeland, returned to the witness stand. (1025) Mr. Holloway cross-examined the witness. (1047) Mr. Essma questioned the witness on re-direct examination. (1049) Witness stepped down. (1050) Mr. Essma had no further evidence to present. (1050) Mr. Holloway did not have any rebuttal evidence to present. (1050) Mr. Holloway closed relying on brief. (1051) Mr. Essma presented closing argument. (1104) Mr. Holloway presented final closing argument. (1117) The Court took matter under advisement and issue written opinion. (1118) Court recessed.

DISTRICT COURT  
Fifth Judicial District  
County of Twin Falls - State of Idaho

JUN 21 2016

By \_\_\_\_\_ 8:00 AM.  
\_\_\_\_\_ Clerk  
\_\_\_\_\_ Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,

Plaintiff,

vs.

SCOTT FREELAND,

Defendant.

Case No. CR42-16-1074

**MEMORANDUM OPINION RE MOTION  
TO SUPPRESS**

**INTRODUCTION**

Defendant Freeland filed a Motion to Suppress evidence obtained from a residence where he was or had been residing and from his person following interaction with law enforcement. The parties presented evidence on June 9 and June 15, 2016 and the matter was taken under advisement as of June 15, 2016. This Memorandum constitutes the Court's findings of fact and conclusions of law.

**FACTUAL BACKGROUND**

Mike and Liza Maxwell (collectively, "the Maxwells," individually "Mike" and "Liza") own a home at 443 2nd Avenue North in Twin Falls. On that property is a small house (hereinafter "the cottage") the Maxwells rented that small house to Freeland beginning in the summer of 2014. The rental agreement provided that Freeland would

pay money and provide services to Maxwell as part of the rent obligation. Freeland became delinquent on rent sometime in the summer of 2015. Further, Mike began to suspect that Freeland was engaging in drug activity on the premises, which was unacceptable to the Maxwells. On December 22, 2015, Mike had a discussion with Freeland and asked him to leave the property. It is undisputed that Mike clarified with Freeland that Freeland did not have to move out immediately. However, Mike testified that in a second discussion that occurred on or about January 5, 2016 Mike specifically asked Freeland to be out no later than "the weekend." Freeland responded he would try. He also stated Mike could sell some of his property in the cottage and to apply the proceeds to unpaid rent.<sup>1</sup> Mike believed Freeland moved out the day following this discussion. However, Liza saw Freeland leaving the residence that Friday evening, January 8, at about 8 P.M. Freeland did not return the key to the cottage and did not have a suitcase or other observable items with him when he left.

The electricity to the property was turned off on January 6 because of Freeland's failure to pay his power bill. Mike also shut off the water to the cottage around January 10 to keep the pipes from freezing. The Maxwells monitored the property and observed that no one had entered the cottage between January 8 and January 27. Liza was certain of this because there was undisturbed snow at the door of the cottage and this snow had been there since Freeland left.

On January 27 Mike entered the cottage "to clean out the house." By this time neither of the Maxwells had had any communication from Freeland. Upon entering the

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<sup>1</sup> The testimony does not agree on the extent of Freeland's offer. Mike believed Freeland had given him permission to sell anything remaining in the cottage. Freeland testified his offer was restricted to a few higher value items like his bed and air conditioning units, and that it was "ludicrous" to believe he gave Mike everything he owned. Whatever Freeland actually meant, the Court finds Mike's testimony was credible as to what he understood Freeland meant.

cottage, he discovered a watch box that had last been in the basement of his residence, some drug paraphernalia, a jewelry box and a wicker basket that he believed belonged to Liza, and some 9 mm ammunition he suspected was for a handgun that was missing from Maxwell's house.<sup>2</sup> Mike concluded that Freeland had stolen items from his house.

Upon discovering the drug paraphernalia Mike called the police department and asked that an officer come to the property and remove the contraband items. Officer Smriko arrived at the cottage around noon on January 27. Mike explained to him that Freeland had left the property approximately 3 weeks earlier, had not returned, and had told Mike that Mike could sell his stuff. Mike expressly gave Smriko permission to enter the cottage, and showed Smriko the items he discovered and told him he suspected Freeland had stolen property from him. Smriko observed that the cottage was cold, that there were maggots and/or mold in food that dishes had accumulated and were unwashed, and the cottage was generally "messy." Smriko then exited the premises, retrieved his camera, reentered, and took pictures. He filed a "theft report" with the police department naming Freeland a theft suspect. Smriko told the Maxwells that if Freeland returned to the premises that they should call the police.

On the evening of January 28 Freeland returned to the Maxwell's seeking permission to enter the cottage to retrieve some items. A "conversation" between Liza and Freeland occurred.<sup>3</sup> Liza's daughter, Stephanie Hall, placed a "311" call advising that "Scott" was outside with her mother and father and that there was "yelling" and that her mother was "talking loud." Officers Solomon and Hutchison were dispatched to the Maxwells on a disturbance call and were also informed that a theft report had been filed

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<sup>2</sup> Mike identified the ammunition as the full metal jacket type he uses for target practice, but also testified he did not positively identify them as having belonged to him.

<sup>3</sup> Accounts vary as to how heated this conversation was, if at all.

against the male (Freeland) involved in the disturbance. As Solomon and Hutchison approached the porch, they saw Freeland and Liza. Hutchison saw Freeland's hands move towards his waist. In response, Hutchison drew his service pistol and ordered Freeland to "get his hands up." Freeland complied, Hutchison lowered his pistol, and Solomon went just inside the house to speak with Liza.

While Solomon was inside—approximately six or seven minutes—Hutchison spoke with Freeland. He observed Freeland's sweater appeared to bulge, and asked Freeland to lift his sweater and display his waistband. Although the manner in which Freeland did so was "unique," Hutchison saw some of Freeland's waistband and did not believe Freeland to be armed at that point. Hutchison *Mirandized* Freeland and spoke with him about his history and associations.

Solomon learned from Liza that the Maxwells suspected Freeland of theft, and returned to Freeland and Hutchison to ask Freeland about the stolen items. Solomon asked Hutchison if he had frisked Freeland, to which Hutchison responded he had not. Hutchison asked Freeland if he could check Freeland's pockets, and Freeland offered to empty his own pockets. While Freeland was doing so, Hutchison observed "hard black plastic" on Freeland's right hip. Hutchison believed this was a holster and immediately demanded that Freeland turn around with his hands behind his back. Hutchison then frisked Freeland and found a handgun. Thereafter, the State filed an Information accusing Freeland of one count of Unlawful Possession of a Firearm and one count of Grand Theft by Possession of Stolen Property.

## **DISCUSSION AND ANALYSIS**

Freeland's Motion to Suppress is two-fold. First, he argues that Smriko's warrantless entry into the cottage constitutes an unreasonable search and seizure.<sup>4</sup> He argues that the evidence obtained from this entry tainted further police conduct, including Smriko's instruction to the Maxwells to contact the police if they saw Freeland, which precipitated the January 28 311 call. Second, Freeland argues that the frisk conducted by Hutchison on January 28 violated his Fourth Amendment rights.

### **A. The Warrantless Search of the Cottage**

Much of Freeland's argument with respect to Smriko's warrantless search of the cottage focuses on Freeland's claim that he did not abandon the cottage. Accordingly, Freeland argues he has standing to challenge the warrantless search because at all relevant times he maintained a reasonable expectation of privacy in the cottage. The State maintains that Freeland abandoned the property, dooming his claim as to the warrantless search of the cottage. The Court finds that whether or not Freeland actually abandoned the cottage is irrelevant, because in any event Smriko reasonably relied on Mike's apparent authority to consent to the search.

"[E]ven if a search is improper, only an individual with a privacy interest invaded by the search may obtain suppression of the evidence detected. Thus, when a search is challenged, the defendant has the burden to make a threshold showing that he has a legitimate expectation of privacy in the place or thing searched." *State v. Cutler*, 144 Idaho 272, 273-74, 159 P.3d 909, 910-11 (Ct. App. 2007) (citations omitted). "One who

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<sup>4</sup> Smriko actually made two entries into the cottage. As explained, *supra* at note 5, the analysis is the same for both entries.

voluntarily abandons property prior to the search" cannot make such a showing. *State v. Harwood*, 133 Idaho 50, 52, 931 P.2d 1160, 1162 (Ct. App. 1999).

Assuming a defendant makes such a showing, there are still exceptions to the Fourth Amendment's general requirement for a pre-search warrant. The burden is on the State to prove an exception applies or that the search was otherwise reasonable. *State v. Weaver*, 127 Idaho 288, 290, 900 P.2d 196, 198 (1995). One exception is consent, which can be given through a third party with common authority over the premises. *State v. Hawkins*, 131 Idaho 396, 400, 958 P.2d 22, 26 (Ct. App. 1998). "A landlord has apparent authority to consent to a search where the totality of circumstances indicates to a reasonable person that the tenant has in fact abandoned the premises," *State v. Brauch*, 133 Idaho 215, 984 P.2d 703 (1999). Mere nonpayment of rent is not enough. *Id.*; *State v. Johnson*, 110 Idaho 516, 522, 716 P.2d 1288 (1986). Whether an officer is justified in conducting such a search is "judged against an objective standard: would the facts available to the officers at the moment . . . "warrant a man of reasonable caution in the belief" that the consenting party had authority over the premises?" *Hawkins*, 131 Idaho at 401, 958 P.2d at 27 (Ct. App. 1998) (quoting *Illinois v. Rodriguez*, 497 U.S. 177, 188 (1990)).

The Court assumes without deciding that Freeland met his burden of showing he had a legitimate expectation of privacy in the cottage. Even so, Smriko's search was justified because it was reasonable for Smriko to rely on Mike's apparent authority to consent. Smriko testified that Mike told him Freeland had "pretty much abandoned the residence," could not pay rent, and had told Mike that Mike could pawn the things in the cottage to pay back rent. Additionally Smriko understood from Mike that Freeland had



been gone for “approximately three weeks,” and the utilities had been turned off. When Smriko actually entered the residence, the cold temperature, mold- and/or maggot-infested food and generally messy living space suggested to him that “nobody had been there for a while.” Given the totality of these circumstances, the Court is satisfied that Smriko reasonably relied on Mike’s apparent authority as landlord to consent to a search of the cottage.<sup>5</sup>

#### **B. The Frisk**

Freeland next argues that the frisk Hutchison conducted on January 28 was unconstitutional. The State responds that the frisk was justified by Hutchison’s observation of what looked like a gun holster after Freeland had told Hutchison he was unarmed.<sup>6</sup> The Court agrees with the State.

*Terry v. Ohio* permits a frisk for weapons on less than probable cause. 392 U.S. 1, 27 (1968). In *State v. Henage*, the Idaho Supreme Court explained that the *Terry* standard requires an officer’s objectively reasonable belief that the person is dangerous, whether or not they are apparently armed. 143 Idaho 655, 661, 152 P.3d 16, 22 (2006). The *Henage* Court concluded that a frisk was not justified even though it involved a nervous defendant who admitted to having a knife, because nothing connected this nervousness to “anything tending to demonstrate a risk to [the officer’s] safety.” *Id.* at 661, 152 P.3d at 22.

The Court finds Hutchison’s experience here much different than the officer’s in *Henage*. Here the officers were responding, at night, to a disturbance call. Their

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<sup>5</sup> Smriko testified that Mike consented to both of his entries. Thus, this conclusion applies to both.

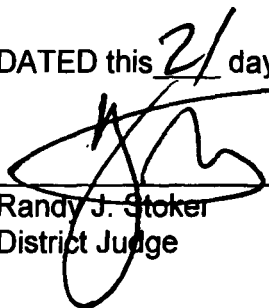
<sup>6</sup> The State does not argue that the officers had probable cause to arrest Freeland for grand theft or that the officers believed Freeland was committing the felony of Unlawful Possession of a Firearm in their presence. Therefore, the Court will not analyze those issues.

encounter with Freeland began with Freeland reaching towards his waist, at which point Hutchison drew his service pistol in the "low ready" position. Freeland complied and when asked stated that he did not have any weapons. Although Hutchison's initial concern was dispelled for a time, he testified that he became "scared" when he observed hard black plastic on Freeland's right hip, which looked like a holster. Hutchison unequivocally testified that this discovery is what led him to frisk Freeland. The critical distinction from *Henage* is Freeland's failure to be truthful with the officers about being armed.<sup>7</sup> When Hutchison learned that Freeland had been hiding the weapon, the seemingly peaceful encounter dissolved because Hutchison realized that Freeland was both armed and had misled Hutchison into thinking he was *not* armed. This is very different from the *Henage* defendant, who was forthright about having a knife. Therefore, the Court finds Freeland's frisk was justified by a reasonable fear for the officers' safety.

### **CONCLUSION**

For the foregoing reasons, Freeland's Motion to Suppress is DENIED in its entirety. IT IS SO ORDERED.

DATED this 21 day of June, 2016.

  
\_\_\_\_\_  
Randy J. Stoker  
District Judge

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<sup>7</sup> There are other obvious differences, including the time of day, the nature of the dispatch, the weapon involved here was a gun rather than a knife, and the officers did not testify to prior peaceful experiences with Freeland.

**CERTIFICATE OF SERVICE**

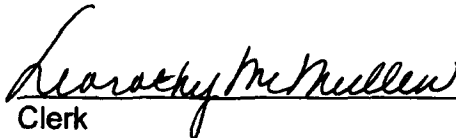
I hereby certify that on the 21 day of June 2016, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Stan Holloway, Deputy  
Twin Falls County Prosecuting Attorney  
P.O. Box 126  
Twin Falls, ID 83303

☐ U.S. Mail  
☐ Hand delivered  
☐ Faxed  
☐ Court Folder  
☒ Email

George Essma, Deputy  
Twin Falls County Public Defender  
P.O. Box 126  
Twin Falls, ID 83303

☐ U.S. Mail  
☐ Hand delivered  
☐ Faxed  
☐ Court Folder  
☒ Email

  
Clerk

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
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Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND	)	<b>AND AMENDED WITNESS LIST</b>
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its  
Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following  
Supplemental Response to the Request for Discovery:

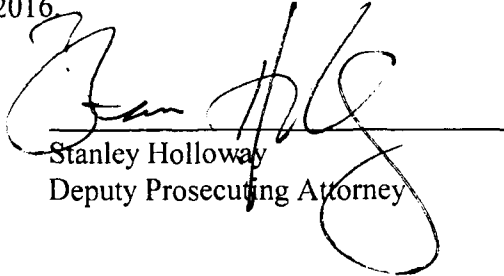
Supplemental Response to Request for Discovery and Amended Witness List- 1

The State submits the following amended list of potential witnesses:

1. Mike Maxwell
2. Lisa Maxwell
3. Dusty Solomon, Twin Falls Police Department  
356 3<sup>rd</sup> Avenue East  
Twin Falls ID 83301
4. Jerry Hutchison, Twin Falls Police Department  
356 3<sup>rd</sup> Avenue East  
Twin Falls ID 83301
5. Samir Smriko, Twin Falls Police Department  
356 3<sup>rd</sup> Avenue East  
Twin Falls ID 83301

The State reserves the right to supplement discovery as information becomes available.

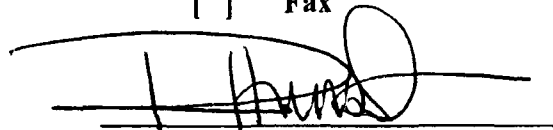
DATED this 23<sup>rd</sup> day of June, 2016.

  
\_\_\_\_\_  
Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of June, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

<b>Supplemental Response to Request for Discovery and Amended Witness List</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>



Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208)736-4020  
Fax: (208)736-4120

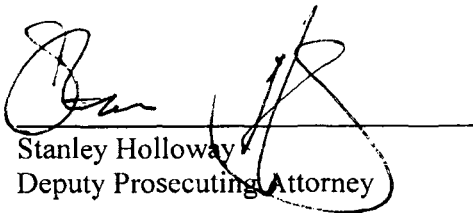
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	<b>STATE'S AMENDED EXHIBIT LIST</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its  
Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following  
list of potential exhibits in the above-entitled matter:

1. Twin Falls Police Department Evidence Item No. 1: Firearm: Ruger LC9 9mm semi auto pistol w/ mag.
2. Twin Falls Police Department Evidence Item No. 2: 7 9mm bullets.
3. Twin Falls Police Department Evidence Item No. 3: Blackhawk holster.
4. Twin Falls Police Department Evidence Item No. 4: Audio Recording of Officer Solomon.
5. Twin Falls Police Department Evidence Item No. 5: Audio Recording 311 call.
6. Twin Falls Police Department Evidence Item No. 6: Letter sent to the Maxwells from Freeland.
7. Twin Falls Police Department Evidence Item No. 7: Audio Recording of Officer Hutchison.
8. State of Idaho Evidence Item No. 8: Prior convictions previously discovered as D145-207.
9. State of Idaho Evidence Item No. 1: 4 photos of gun, previously discovered as D103-D106.
10. Twin Falls Police Department Evidence Item No. 9: 11 photos taken January 27, 2016.
11. Any and all documents, tangible items, diagrams, photographs, etc. referred to or identified in discovery items provided to defense in the State's Response to Request for Discovery and all of the State's Supplemental Responses to Discovery.

DATED This 23<sup>rd</sup> day of June, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney



# Evidence and Exhibit List

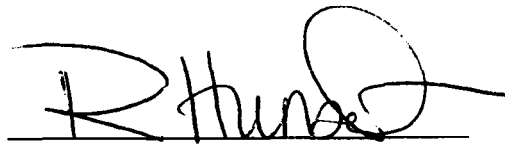
[illegible]

**CERTIFICATE OF SERVICE**

I hereby certify that on the 23<sup>rd</sup> day of June, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

**State's Amended Exhibit List**

<input checked="" type="checkbox"/>	E-Serve
<input type="checkbox"/>	Court Folder
<input type="checkbox"/>	E-mail
<input type="checkbox"/>	U.S. Mail
<input type="checkbox"/>	Fax



Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUN 24 2016

By [Signature] Clerk  
Deputy Clerk

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 2

CASE # CR42-16-1074  
DATE 6/24/16  
TIME 4:00PM  
CD 470

STATE OF IDAHO,  
VS.

SCOTT CAMERON FREELAND DEFENDANT IN CUSTODY

PRE-TRIAL MINUTES

**APPEARANCES:**

☒ Defendant [Signature] ☒ Prosecutor [Signature]  
☒ Def. Counsel [Signature] ☐ Other \_\_\_\_\_

☐ ENTRY OF GUILTY PLEA: ☐ Defendant duly sworn in and questioned by the Court

☐ Plea and/or Offer Filed ☐ PSI Facesheet submitted

Charge Amended to \_\_\_\_\_ Pled to \_\_\_\_\_

Counts to be Dismissed \_\_\_\_\_

☐ Enters plea knowingly, freely and voluntarily ☐ Plea accepted and adjudged guilty

Sentencing Date \_\_\_\_\_

☐ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval \_\_\_\_\_

☐ Drug Court recommended by State ☐ Yes ☐ No ☐ Order to Report

☒ PRE-TRIAL: ☒ Court and Counsel discussed Pre-trial Matters

Trial: ☐ By Jury ☐ By Court Trial Date: 7/1/16 for \_\_\_\_\_ days Priori: 2nd or more to 7/1/16 as 1st

Amendments to Pleadings: none

Stipulations: none

Discovery: \_\_\_\_\_

Exhibits: \_\_\_\_\_

Witnesses: State: 6 Defense: \_\_\_\_\_

Jury Panel: \_\_\_\_\_ alternate juror(s): 1 Preempts: 7 questions from Jury: \_\_\_\_\_

Submit Jury Instructions by: July 8 at 5:00pm.

☐ Counsel meet in Chambers at 8:15 am the morning of trial.

Other: (413)

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

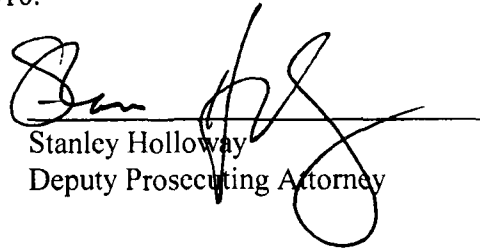
STATE OF IDAHO,	)	Case No. CR-42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>SUPPLEMENTAL RESPONSE TO</b>
	)	<b>REQUEST FOR DISCOVERY</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and submits the following Supplemental Response to the Request for Discovery:

1. Copy of redacted audio of Officer Solomon's.

The State reserves the right to supplement discovery as information becomes available.

DATED this 29 day of June, 2016.

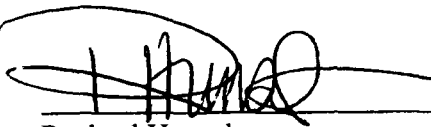


Stanley Holloway  
Deputy Prosecuting Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on the 29<sup>th</sup> day of June, 2016, I served **THE OFFICE OF THE PUBLIC DEFENDER** a copy of the following:

<b>Supplemental Response to Request for Discovery</b>	<input checked="" type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>
<b>[ ] Unredacted copy of Discovery</b>	<input type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>
<b><input checked="" type="checkbox"/> Redacted copy of Discovery</b>	<input checked="" type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>

  
\_\_\_\_\_  
Rachael Hunsaker  
Legal Assistant

GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR 42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	NOTICE OF INTENT TO USE
	)	AUDIO EVIDENCE AT TRIAL
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and gives notice of its intent to present audio evidence at Defendant's Jury Trial in the above-entitled case. This notice is provided pursuant to the Court's Scheduling Order.

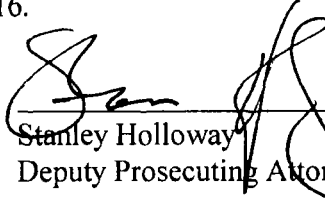
The audio the State intends to present was discovered to the defense in discovery, and is the redacted audio recording from Officer Dusty Solomon's recorder on or about January 28, 2016, in

NOTICE OF INTENT TO USE  
AUDIO EVIDENCE AT TRIAL - 1

which the redacted portion therein from approximately 11:43 to 20:07 for a redacted length of approximately 8:24 minutes.

The state has provided a redacted copy of the audio to defense counsel contemporaneously with this notice.

DATED this 29 day of June, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney




CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June, 2016, I served a copy of the foregoing  
NOTICE OF INTENT TO USE VIDEO AND/OR AUDIO EVIDENCE AT TRIAL thereof  
to the following:

George Essma  
Attorney for Defendant

☒ E-Serve  
☐ Court Folder  
☐ U.S. Mail  
☐ Facsimile

  
\_\_\_\_\_  
Rachael Hunsaker  
Legal Assistant

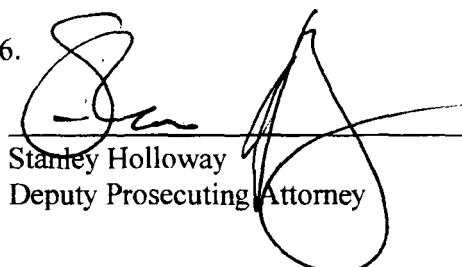
GRANT P. LOEBS  
Prosecuting Attorney  
for Twin Falls County  
P.O. Box 126  
Twin Falls, ID 83303  
Phone: (208) 736-4020  
Fax: (208) 736-4120

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>PLAINTIFF'S REQUESTED JURY</b>
	)	<b>INSTRUCTIONS</b>
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

COMES NOW the Twin Falls County Prosecuting Attorney's Office by and through its Attorney of Record, Stanley Holloway, Deputy Prosecuting Attorney, and respectfully requests the Court to give the following Jury Instructions numbered 1 through 8 in the above-entitled action.

DATED this 29 day of June, 2016.

  
Stanley Holloway  
Deputy Prosecuting Attorney

INSTRUCTION NO. 1

It is alleged that the crime charged was committed "on or about" a certain date. If you find the crime was committed, the proof need not show that it was committed on that precise date.

ICJI 547 GRAND THEFT BY POSSESSION OF STOLEN PROPERTY

INSTRUCTION NO. 2

In order for the Defendant to be guilty of Grand Theft by Possession of Stolen Property, the state must prove each of the following:

1. On or about January 28, 2016,
2. in the state of Idaho
3. the defendant Scott Cameron Freeland knowingly possessed a Ruger LC9 handgun,
4. either knowing the property was stolen by another or under such circumstances as would reasonably induce the defendant to believe the property was stolen,
5. such property was in fact stolen,
6. the defendant had the intent to deprive the owner permanently of the use or benefit of the property, and
7. the property was any firearm, rifle or shotgun

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.

Property is stolen when a person wrongfully takes, obtains, or withholds it from the owner with the intent to deprive the owner of the property or to appropriate it to any person other than the owner.

ICJI 562 INTENT TO APPROPRIATE OR DEPRIVE DEFINED

INSTRUCTION NO. 3

The phrase "intent to deprive" means:

- a. The intent to withhold property or cause it to be withheld from an owner permanently or for so extended a period or under such circumstances that the major portion of its economic value or benefit is lost to such owner; or
- b. The intent to dispose of the property in such manner or under such circumstances as to render it unlikely that an owner will recover such property.

The phrase "intent to appropriate" means:

- a. The intent to exercise control over property, or to aid someone other than the owner to exercise control over it, permanently or for so extended a period of time or under such circumstances as to acquire the major portion of its economic value or benefit; or
- b. The intent to dispose of the property for the benefit of oneself or someone other than the owner.

ICJI 571 OWNER DEFINED

INSTRUCTION NO. 4

An "owner" of property is any person who has a right to possession of such property superior to that of the defendant.

ICJI 573 PROPERTY DEFINED

INSTRUCTION NO. 5

"Property" means anything of value including labor or services.

ICJI 1401 POSSESSION OF FIREARM BY FELON

INSTRUCTION NO. 6

In order for the defendant to be guilty of Unlawfully Possessing a Firearm, the state must prove each of the following:

1. On or about January 28, 2016,
2. in the state of Idaho
3. the defendant Scott Cameron Freeland knowingly possessed and/or had under the defendant's custody or control a firearm, and
4. when doing so, the defendant previously had been convicted of a felony.

If any of the above has not been proven beyond a reasonable doubt, you must find the defendant not guilty. If each of the above has been proven beyond a reasonable doubt, then you must find the defendant guilty.



ICJI 1402 FIREARM DEFINED

INSTRUCTION NO. 7

The term "firearm" means any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas or mechanical means, whether operable or inoperable.

ICJI 1403 CONVICTED OF A FELONY DEFINED

INSTRUCTION NO. 8

To establish that the defendant, Scott Cameron Freeland was convicted of a felony, the state must prove that the defendant pled guilty to and/or was found guilty of one of the following crime:

The crime of Possession of a Controlled Substance a violation of Idaho Code Section 37-2732, which was a felony under the laws of the State of Idaho.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE  
OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	Case No. CR42-16-1074
	)	
Plaintiff,	)	
	)	
vs.	)	<b>VERDICT</b>
	)	
SCOTT CAMERON FREELAND,	)	
a.k.a. SCOTT FREELAND,	)	
a.k.a. SCOTT CAMERON LYNCH,	)	
a.k.a. SCOTT HARMON,	)	
a.k.a. SCOTT CARMEN HARMON,	)	
a.k.a. STEVEN FRANKLIN,	)	
a.k.a. SCOTT CAMRON FREELAND)	)	
	)	
Defendant.	)	
_____	)	

We, the Jury, unanimously find the defendant SCOTT CAMERON FREELAND:

**COUNT I**  
(MARK ONLY ONE OF THE FOLLOWING VERDICTS)

\_\_\_\_\_ **NOT GUILTY** of Grand Theft by Possession of a Stolen Property.

\_\_\_\_\_ **GUILTY** of Grand Theft by Possession of a Stolen Property.

**COUNT II**  
(MARK ONLY ONE OF THE FOLLOWING VERDICTS)

\_\_\_\_\_ **NOT GUILTY** of Possession of a Firearm by Felon.

\_\_\_\_\_ **GUILTY** of Possession of a Firearm by Felon..

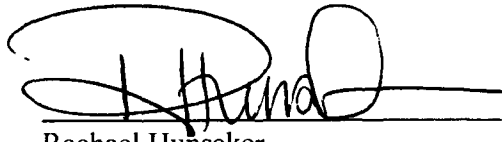
Dated this \_\_\_\_\_ day of July, 2016.

\_\_\_\_\_  
Presiding Juror

**CERTIFICATE OF SERVICE**

I hereby certify that on the 19th day of June, 2016, I served **THE OFFICE OF THE  
PUBLIC DEFENDER** a copy of the following:

<b>State's Requested Jury Instructions</b>	<input type="checkbox"/>	<b>E-Serve</b>
	<input type="checkbox"/>	<b>Court Folder</b>
	<input type="checkbox"/>	<b>E-mail</b>
	<input type="checkbox"/>	<b>U.S. Mail</b>
	<input type="checkbox"/>	<b>Fax</b>



Rachael Hunsaker  
Legal Assistant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS JUL - 8 2016

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 1

CASE # CR-42-16-1074  
DATE 7/8/16  
TIME 4:00PM  
CD 419

By [Signature] Clerk  
Deputy Clerk

STATE OF IDAHO,  
VS.

SCOTT CAMERON FREELAND ☒ DEFENDANT IN CUSTODY

☐ ARRAIGNMENT ☐ STATUS ☐ ENTRY OF PLEA ☐ BOND ☒ CHANGE OF PLEA

APPEARANCES:

☒ Defendant [Signature] ☒ Prosecutor [Signature]  
☒ Def. Counsel [Signature] ☐ Other \_\_\_\_\_

PROCEEDINGS AND ADVISEMENT OF RIGHTS:

☐ Defendant is informed of the charges against him/her and all legal rights including the right to representation  
☒ Defendant is advised of the effect of a guilty plea and the maximum penalties  
☒ Defendant indicated that he/she understands rights and penalties  
☐ Waived reading of the "Information" ☐ Name verified ☐ Public Defender is confirmed/appointed

☐ ENTRY OF NOT GUILTY PLEA: ☐ By defendant ☐ By the Court

State's Attorney: \_\_\_\_\_  
# of days for trial \_\_\_\_\_ Pre-Trial \_\_\_\_\_ Jury Trial \_\_\_\_\_  
Discovery Cutoff \_\_\_\_\_ Status Hearing \_\_\_\_\_

☒ ENTRY OF GUILTY PLEA: ☒ Defendant duly sworn in and questioned by the Court

☒ Plea and/or Offer Filed ALFORD ☒ PSI Facesheet submitted  
☐ Mental Health Court Application submitted ☐ Drug Court Application submitted  
Charge Amended to \_\_\_\_\_ Pled to CR2

Counts to be Dismissed CH

☒ Enters plea knowingly, freely and voluntarily ☒ Plea accepted and adjudged guilty

Sentencing Date 9/6 @ 3:00 pm

☒ Presentence Report ordered ☐ 19-2524 Substance Abuse Eval ☐ 19-2524 Mental Health Eval

☐ Updated PSR ☐ Psychosexual Eval ☐ Domestic Violence Eval ☐ Other Eval \_\_\_\_\_

☐ Drug Court recommended by State ☐ Yes ☐ No ☐ Order to Report

BOND HEARING: ☐ Counsel addressed the Court ☐ Bond remains as set ☐ Bond re-set to \_\_\_\_\_

☐ Released on own recognizance ☐ Order to Report ☐ Reside at \_\_\_\_\_

Conditions of Release: ☐ Court Compliance ☐ Curfew of \_\_\_\_\_ ☐ Remain on Probation

☐ Drug/Alcohol Testing ☐ \_\_\_\_\_ Random UAs per week

Other: Re Esame to file Application Mental Health Court (434)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT  
Fifth Judicial District  
County of Twin Falls - State of Idaho

STATE OF IDAHO,

Plaintiff,

CASE NO. CR 16-1074

JUL - 8 2016

4:34 PM

By dm Clerk

Deputy Clerk

☒ Guilty Plea Advisory Form Alford Plea

(Approved For Use in Twin Falls District Court)  
(Revised as of March 2012)

vs.

SCOTT FREELAND  
Defendant.

STATEMENT OF CONSTITUTIONAL RIGHTS  
(Please initial each response)

1. You have the right to remain silent. You do not have to say anything about the crime(s) you are accused of committing. If you elect to have a trial, the state may not call you as a witness or ask you any questions. However, anything you do say can be used as evidence against you in court.

I understand that by pleading guilty I am **waiving** my right to remain silent before and during trial.

S.F.

2. You have the right to be represented by an attorney. If you want an attorney and cannot pay for one, you can ask the judge for an attorney who will be paid by the county. You may be required to reimburse the county for the cost of this representation.

S.F.

3. You are presumed to be innocent. You will be found guilty if: 1) you plead guilty in front of the judge, or 2) you are found guilty at a jury trial.

I understand that by pleading guilty I am **waiving** my right to be presumed innocent.

S.F.

4. You have the right to a speedy and public jury trial before twelve persons. A jury trial is a court hearing to determine whether you are guilty or not guilty of the charge(s) brought against you. In a jury trial, you have the right to present evidence in your defense and to testify in your own defense. You are not required to do so, however. The state must convince all of the jurors of your guilt beyond a reasonable doubt.

I understand that by pleading guilty I am **waiving** my right to a speedy and public jury trial.

S.F.

5. You have the right to confront the witnesses testifying against you. This occurs during a jury trial. At trial, the state must prove its case by calling witnesses to testify under oath in front of you, the jury, and your attorney. Your attorney could then cross-examine (question) each witness. You could also call witnesses of your choosing to testify on your behalf. If you do not have the funds to

S.F.

bring those witnesses to court, the state will pay the cost of bringing your witnesses to court and will compel their attendance by the use of the subpoena power of the court.

I understand that by pleading guilty I am waiving my right to confront the witnesses against me, and present witnesses and evidence in my defense. S.F.

#### QUESTIONS REGARDING ABILITY TO ENTER PLEA

(Please answer every question. If you do not understand a question consult your attorney before answering.)

*Please Circle and Initial One*

1. Do you read and write the English language? ..... (YES) S.F. NO \_\_\_\_

If not, have you been provided with an interpreter to help you fill out this form? .. YES \_\_\_\_ NO \_\_\_\_

Do you want an Interpreter? ..... YES \_\_\_\_ NO \_\_\_\_

2. What is your age? 54

3. What is your true and legal name? SCOTT FREE/LAND

4. What was the highest grade of school you completed? 10

If you did not complete high school, have you received either a general education diploma or high school equivalency diploma? ..... (YES) S.F. NO \_\_\_\_

5. Are you currently under the care of a mental health professional? ..... YES \_\_\_\_ (NO) S.F.

6. Have you ever been diagnosed with a mental health disorder? ..... (YES) S.F. NO \_\_\_\_

If so, what was the diagnosis and when was it made? PTSD, BIPOLAR  
ADHD

7. Are you currently prescribed any medication? ..... (YES) S.F. NO \_\_\_\_

If so, have you taken your prescription medication during the past 48 hours? ..... YES \_\_\_\_ (NO) S.F.

8. In the last 48 hours, have you taken any medications or drugs, or drank any alcoholic beverages which you believe affect your ability to make a reasoned and informed decision in this case?

..... YES \_\_\_\_ (NO) S.F.

9. Are you under the influence of any alcohol, drugs, or other medication at this time? ..... YES \_\_\_\_ (NO) S.F.

10. Do you claim that you are incapable of understanding or do not understand these proceedings? ..... YES \_\_\_\_ (NO) S.F.

11. Is there anything going on in your life that affects your ability to enter a voluntary guilty plea? ..... YES \_\_\_\_ (NO) S.F.

12. Do you claim that you are mentally incapable of understanding these proceedings or what it means to plead guilty to a crime? ..... YES \_\_\_\_ (NO) S.F.



13. Are you having any difficulty in understanding what you are doing by filling out this form? ..... YES NO S.F.

14. Is there any other reason that you cannot make a reasoned and informed decision in this case? ..... YES NO S.F.

### Plea Agreement

15. Is your guilty plea the result of a plea agreement? ..... YES NO

If so, what are the terms of that plea agreement? (If available, a written plea agreement must be attached hereto as "Addendum 'A'")

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16. Have you read this plea agreement? ..... YES NO

17. Do you understand this plea agreement? ..... YES NO

18. Is there anything about this plea agreement that you don't understand? ..... YES NO S.F.

19. There are two types of plea agreements. Please initial the one paragraph below which describes the type of plea agreement:

a. I understand that my plea agreement is a **binding** plea agreement. This means that if the district court does not impose the specific sentence as recommended by both parties, I will be allowed to withdraw my plea of guilty and proceed to a jury trial. \_\_\_\_\_

b. I understand that my plea agreement is a **non-binding** plea agreement. This means that the court is not bound by the agreement or any sentencing recommendations, and may impose any sentence authorized by law, up to the maximum sentence stated above. Because the court is not bound by the agreement, if the district court chooses not to follow the agreement, I will not have the right to withdraw my guilty plea. X S.F.

20. Is this plea agreement acceptable to you? ..... YES NO

21. Has your attorney told you that you must accept this plea agreement? ..... YES NO S.F.

22. Has your attorney or anyone else forced or coerced you in any way into accepting this plea agreement? ..... YES NO S.F.

23. Have any other promises been made to you which have influenced your decision to plead guilty? ..... YES NO S.F.

24. Has anyone told you what your sentence will be? ..... YES NO S.7  
 If so, what have you been promised? \_\_\_\_\_  
 \_\_\_\_\_
25. Is this a conditional guilty plea in which you are reserving your right to appeal any pre-trial issues? ..... YES NO S.7  
 If so, what issue(s) are you reserving the right to appeal? (A copy of the written conditional plea must be attached.) SUPPRESSION MOTION  
 \_\_\_\_\_  
 \_\_\_\_\_
26. Have you waived your right to appeal your **judgment of conviction** as part of your plea agreement? ..... YES NO S.7
27. Have you waived your right to appeal your **sentence** as part of your plea agreement? ..... YES NO S.7  
 Under what conditions can you appeal your sentence? \_\_\_\_\_  
 \_\_\_\_\_
28. Do you understand that by pleading guilty you will waive (or give up) any **defenses**, both factual and legal, that you believe you may have in this case? ..... YES NO S.7
29. Do you understand that this includes waiver of any claimed violations of your **Constitutional rights**? ..... YES NO S.7
30. Do you understand that if you enter an **unconditional** guilty plea in this case you will not be able to challenge any rulings that came before the guilty plea including: 1) any **searches or seizures** that occurred in your case, 2) any issues concerning the method or manner of your **arrest**, and 3) any issues about any **statements** you may have made to law enforcement? ..... YES NO S.7
31. Do you understand that by pleading guilty, you give up the right to pursue any motions (including motions to suppress or dismiss) that otherwise could have been filed and pursued in your case? ..... YES NO S.7
32. Do you understand that when you plead guilty, you are admitting the truth of each and every allegation contained in the charge(s) to which you plead guilty? ..... YES NO S.7
33. Have you discussed the elements of the offense(s) for which you are charged with your attorney? ..... YES NO S.7

#### POTENTIAL SENTENCE

34. I am charged with the crime(s) of GR FT BY POSS.



The minimum and maximum jail sentence and fine including a "civil penalty" for each crime is

AS STATED BY JUDGE IN COURT

35. In this case the court will impose a "unified sentence" consisting of a fixed term (or portion) and an indeterminate term (or portion). If you are required to serve this sentence in the penitentiary you will not be eligible for parole until you have served the fixed portion and thereafter will be paroled only if the parole board so determines. Do you understand these principles? .....

YES 5.7 NO 5.7

36. Do you understand that there are **other direct consequences** that arise from entry of a felony charge that are explained below. ....

YES 5.7 NO 5.7

37. As a term of your plea agreement, are you pleading guilty to more than one crime? .....

YES 5.7 NO 5.7

If so, do you understand that your sentences for each crime could be ordered to be served either **concurrently** (at the same time) or **consecutively** (one after the other)? .....

YES 5.7 NO 5.7

38. Do you understand that if you plead guilty and you commit crimes in the future, this conviction would be considered in the future case and could cause a more severe penalty in the future case? .....

YES 5.7 NO 5.7

#### ADDITIONAL DIRECT CONSEQUENCES OF A GUILTY PLEA

39. Are you currently on probation or parole? .....

YES 5.7 NO 5.7

If so, do you understand that a plea of guilty in this case could be the basis of a violation of that **probation or parole (WHICH MEANS THAT ANY SUSPENDED SENTENCE COULD BE IMPOSED AND ANY PAROLE REVOKED)**? .....

YES 5.7 NO 5.7

40. Are you aware that if you are not a **citizen** of the United States, the entry of a plea or making of factual admissions could: (1) result in your deportation or removal from the United States; (2) preclude you from obtaining legal status in the United States; or (3) prevent you from obtaining United States citizenship? .....

YES 5.7 NO 5.7

41. Does the crime to which you will plead guilty require you to register as a **sex offender**? (I.C. § 18-8304) .....

YES 5.7 NO 5.7

42. Are you aware that if you plead guilty you may be required to pay **restitution** in this case? (I.C. § 19-5304) .....

YES 5.7 NO 5.7

43. Are you pleading guilty to a crime for which you may be required to pay the **costs of prosecution and investigation**? (I.C. § 37-2732(k)), (I.C.R. 33(d)(2)) .....

YES 5.7 NO 5.7

If so, have you and the state agreed upon the amount of this reimbursement? .. YES 5.7 NO 5.7  
If you have, what is the amount? .....



44. Have you agreed to pay restitution as a condition of your plea agreement? ..... YES NO

If so, to whom and how much? \_\_\_\_\_

45. If the amount of restitution has not been agreed upon, do you understand that you cannot withdraw your guilty plea even if the restitution amount is determined to be higher than you thought it might be or should be? ..... YES NO

46. Is a **driver's license suspension** required as a result of a guilty plea in this case? ..... YES NO

If so, for how long **must** your license be suspended? \_\_\_\_\_

47. Is there a **mandatory license suspension** applicable to this case? ..... YES NO

If so, do you understand that if there is a mandatory license suspension applicable to this case that you cannot under any circumstances have restricted privileges during this period of suspension? ..... YES NO

48. Is there a **discretionary license suspension** applicable to this case? ..... YES NO

If so, do you understand that the decision to grant you restricted driving (IF ALLOWED BY LAW) privileges is up to the Judge? ..... YES NO

49. Are you pleading guilty to a crime for which a mandatory domestic violence, substance abuse or psychosexual **evaluation** is required? (I.C. § 18-918(7)(a)), (I.C. § 18-8005(9)), or (I.C. § 18-8317) ..... YES NO

50. Are you pleading guilty to a crime for which you will be required to submit a **DNA sample** and **Right Thumbprint** impression to the state? (I.C. § 19-5506) ..... YES NO

51. Are you pleading guilty to a crime for which the court could impose a **fine** for a crime of violence of up to \$5,000, payable to the victim of the crime? (I.C. § 19-5307) ..... YES NO

52. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to **vote** in Idaho? (Id. Const. art.6, §3) ..... YES NO

53. Do you understand that if you plead guilty to a felony during the period of your sentence, you will lose your right to hold **public office** in Idaho? (Id. Const. art.6, §3) ..... YES NO

54. Do you understand that if you plead guilty to a felony, during the period of your sentence, you will lose your right to perform **jury service** in Idaho? (ID. CONST. art. 6, § 3) ..... YES NO

55. Do you understand that if you plead guilty to a felony you will lose your right to purchase, possess, or carry **firearms**? (I.C. § 18-310) ..... YES NO

#### RELATIONSHIP WITH YOUR ATTORNEY

56. Have you had sufficient time to discuss your case with your attorney? ..... YES NO

57. Have you had adequate time to fill out this form? ..... YES 5.7 NO \_\_\_\_
58. Have you had adequate access to your attorney's assistance in filling out this form? ..... YES 5.7 NO \_\_\_\_
59. Have you told your attorney everything you know about your case? ..... YES 5.7 NO \_\_\_\_
60. Is there anything you have requested your attorney do that has not been done? . YES \_\_\_\_ NO 5.7 5.7

If yes, please explain. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

61. Your attorney can obtain various items from the prosecutor relating to your case. This may include police reports, witness statements, tape recordings, photographs, reports of scientific testing, etc. This is called "discovery." Have you reviewed the evidence provided to your attorney during discovery? ..... YES 5.7 NO \_\_\_\_

62. Are there any additional items you want to view before entering a guilty plea..... YES \_\_\_\_ NO 5.7 5.7

If so, what? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

63. Do you want your attorney to undertake further investigation of your case? ..... YES \_\_\_\_ NO 5.7 5.7

64. Has your attorney properly or adequately investigated your case? ..... YES 5.7 NO \_\_\_\_

65. Have you told your attorney about any witnesses, including any who would show your innocence? ..... YES 5.7 NO \_\_\_\_

66. Have you and your attorney discussed any potential motions that you would like filed in your case? ..... YES 5.7 NO \_\_\_\_

67. Are there any motions or other requests for relief (including motions to suppress or dismiss) that you believe should still be filed in this case? ..... YES \_\_\_\_ NO 5.7 5.7

If so, what motions or requests? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

68. Do you understand that no one, including your attorney, can force you to plead guilty in this case? ..... YES 5.7 NO \_\_\_\_

69. Are you satisfied with your attorney's representation? ..... YES 2.7 NO \_\_\_\_\_

If not, please state why you are dissatisfied \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

70. Has your attorney made any promises or commitments about what your sentence would be? .....

..... YES \_\_\_\_\_ NO 2.7 \_\_\_\_\_

### ENTRY OF PLEA

71. Are the answers throughout this form your own answers? ..... YES 2.7 NO \_\_\_\_\_

72. Are you entering your plea freely and voluntarily? ..... YES 2.7 NO \_\_\_\_\_

73. Do you understand the consequences of entering a guilty plea? ..... YES 2.7 NO \_\_\_\_\_

74. Why are you pleading guilty to the charge(s) in this case? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

75. Are you pleading guilty just to get out of jail? ..... YES \_\_\_\_\_ NO 2.7 \_\_\_\_\_

76. Do you understand that even if the state agrees to release you from jail pending sentencing that the court may decide not to release you? ..... YES 2.7 NO \_\_\_\_\_

77. Are you pleading guilty "just to get this over with"? ..... YES \_\_\_\_\_ NO 2.7 \_\_\_\_\_

78. Have you read all of the charges in the information or indictment filed against you? ..... YES 2.7 NO \_\_\_\_\_

79. Are you admitting to all of the elements of the crime(s) to which you are pleading guilty? ..... YES \_\_\_\_\_ NO 2.7 \_\_\_\_\_

80. Are you pleading guilty because you did commit the acts alleged in the information or indictment? ..... YES \_\_\_\_\_ NO 2.7 \_\_\_\_\_

81. Or are you pleading guilty because you are entering an Alford Plea? ..... YES 2.7 NO \_\_\_\_\_

82. Explain what you did that makes you guilty of the charges against you. (NON ALFORD PLEA)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

83. If you are entering an Alford Plea, do you understand that the court will consider you just as guilty as if you enter a non-Alford Plea? ..... YES 57 NO 57

84. Have you had any trouble answering any of the questions in this form which you could not resolve by discussing the issue(s) with your attorney? ..... YES NO 57

If so, what? \_\_\_\_\_

85. If you were provided with an interpreter to help you fill out this form, have you had any trouble understanding your interpreter? ..... YES NO

86. Do you need any additional time before you enter your guilty plea(s)? ..... YES NO 57

87. Do you understand that if the Court accepts your guilty plea(s) that you may not be able to withdraw your plea(s) at a later date? ..... YES 57 NO

88. Is there any other matter not covered by your answers to the foregoing questions that affects your decision to plead guilty that you want to tell the Court about? ..... YES NO 57

If so, what? \_\_\_\_\_

89. I hereby enter a plea of Guilty to the Charge(s) of: GR TH BY PDSS

I have answered the questions on pages 1-10 of this Guilty Plea Advisory form truthfully, understand all of the questions and answers herein, have discussed each question and answer with my attorney, and have completed this form freely and voluntarily **WITH A COMPLETE UNDERSTANDING OF THE CHARGE(S) TO WHICH I AM PLEADING GUILTY AND WITH KNOWLEDGE OF THE POTENTIAL CONSEQUENCES OF THIS PLEA.** Furthermore, no one has forced me or threatened me to plead guilty.

Dated this 8 day of July, 2016

S. Frankel  
DEFENDANT

I hereby acknowledge that I have discussed in detail the foregoing questions and answers with my client.

[Signature]  
DEFENDANT'S ATTORNEY

## POST PLEA RIGHTS

A presentence investigation will be ordered by the Court unless both you and the State waive that report and the Court approves that waiver. The Court may order evaluations as part of this investigation **AND THESE REPORTS WILL BE USED TO DETERMINE YOUR SENTENCE.** You have the right to remain silent during all proceedings and interviews from now until sentencing WHICH INCLUDES THE PRESENTENCE INVESTIGATION AND ANY COURT ORDERED EVALUATIONS.

The information in the presentence interview and any evaluations (which will include any statements you make in these processes) will be used by the Court in determining your sentence. In particular if you are ordered to undergo a psychosexual evaluation (which can include a polygraph examination), a domestic violence evaluation, a substance abuse evaluation or a mental health examination (which can include a psychological or psychiatric examination) you will be asked extensive questions and your answers to those questions may be used against you during sentencing.

1. Have you discussed the right to remain silent with your attorney? ..... YES 27 NO
2. Do you understand the nature of these rights? ..... YES 27 NO
3. Do you understand that you may waive these rights? ..... YES 27 NO
4. Have you waived any of these rights in your plea agreement? ..... YES 27 NO
5. Do you have any questions concerning either these rights or the waiver of these rights?  
..... YES 27 NO
6. Have you discussed with your attorney your rights regarding your attorney's attendance and presence during the presentence investigation or these various evaluations? ..... YES 27 NO
7. Do you want the court to order any particular evaluations to assist the court in determining your sentence in this case? ..... YES 27 NO  
If yes, which evaluations and why. MLH EVAL PER MLH APP.

I acknowledge the foregoing post plea rights.

S. F. Paul  
Defendant

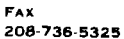
DATE 7-8-16

I acknowledge that I have discussed the post plea rights listed above with my client.

[Signature]  
Defendant's Attorney

DATE 7-8-16





Assigned to: \_\_\_\_\_

Assigned: \_\_\_\_\_

Filed: \_\_\_\_\_ at \_\_\_\_\_ m.

Fifth Judicial District, Twin Falls County

Kristina Glascock, Clerk of the Court

By: \_\_\_\_\_

**DISTRICT COURT**  
**Fifth Judicial District**  
County of Twin Falls - State of Idaho

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

JUL - 8 2016 4:34 PM

Clerk

Deputy Clerk

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Order for Pre-Sentence  
Investigation Report

Event Code: OPSIR

**CHARGES:**

Count Statute I.C. §

2

Charge Desc

Theft by Receiving, Possessing or Disposing of Stolen Property,  
etc

On July 08, 2016, a **Pre-sentence Investigation Report** was ordered by the  
Honorable Randy J. Stoker to be completed for Court appearance on  
**SEPTEMBER 6, 2016, at 1:30PM.**

- ☐ Behavioral Health Assessments waived by the Court (PSI01 ROA code)  
☐ Waiver under IC 19-2524 2 (e) allowing assessment and treatment services by the same  
person or facility  
☐ Updated PSI

**Other non- §19-2524 evaluations/examinations ordered for use with the PSI:**

☐ Sex Offender ☐ Domestic Violence ☐ Other \_\_\_\_\_ Evaluator: \_\_\_\_\_

**PLEA AGREEMENT:** State recommendation

☐ WHJ/JOC ☐ Probation ☐ PD Reimb. ☐ Fine ☐ ACJ ☐ Restitution ☐ Other: \_\_\_\_\_

DEFENSE COUNSEL: George P. Essma

PROSECUTOR: Stanley Holloway

THE DEFENDANT IS IN CUSTODY: ☒ YES ☐ NO If yes where:

TF Jail

DO YOU NEED AN INTERPRETER? ☐ NO ☐ YES if yes, what is the language?

**IT IS SO ORDERED.**

Dated: July 08, 2016

Randy J. Stoker  
Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Sentencing Hearing

Event Code: NOTH

**NOTICE IS GIVEN** That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Sentencing	Sept. 6, 2016	01:30 PM	Randy J. Stoker

at the: Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☒ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: July 11, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

Stanley Holloway; Grant P. Loebs; Jill C. Sweesy  
PO Box 126  
Twin Falls ID 83303-0126  
inbox.pros@co.twin-falls.id.us

[X] By email [ ] By mail  
[ ] By fax (number) \_\_\_\_\_  
[ ] By personal delivery  
[ ] By courthouse box

George P. Essma; Marilyn Paul  
PO Box 126  
Twin Falls ID 83303-0126  
tfcpubdef@co.twin-falls.id.us

[X] By email [ ] By mail  
[ ] By fax (number) \_\_\_\_\_  
[ ] By personal delivery  
[ ] By courthouse box

Dated: July 11, 2016

By: Dorothy McMullen  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Order for Mental Health Court Assessment

Event Code: ORAS

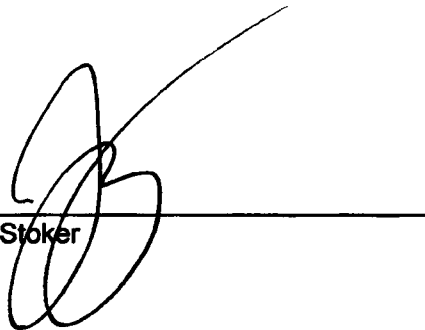
This matter is before the court upon the recommendation of the State and Defendant's Counsel. The defendant is ordered to contact the Mental Health Office and Court Coordinator no later than July 18, 2016, (unless in custody) to set up appointments for assessment.

Rich Neu, Mental Health Court Coordinator, 260 4<sup>th</sup> Ave. N., Suite B, Twin Falls, Idaho, telephone 735-4374. The Idaho Department of Health and Welfare – Mental Health Office is located at 823 Harrison Street, Twin Falls Idaho. The phone number is (208) 736-2177.

IT IS SO ORDERED.

Dated: July , 2016

Randy J. Stoker  
Judge



### CERTIFICATE OF SERVICE

I certify that on July 11, 2016, I served a copy of the attached to:

George P Essma  
PO Box 126  
Twin Falls ID 83303-0126 *email*

Stanley Holloway  
PO Box 126  
Twin Falls ID 83303-0126 *email*

Rich Neu  
Mental Health Court Coordinator  
260 4<sup>th</sup> Ave. N, Suite B  
Twin Falls, Idaho 83301 *email*

ACT Team Supervisor  
Dept of Health and Welfare  
Division of Behavior Health  
823 Harrison Street  
Twin Falls, Idaho 83301  
Fax 736-2113 *fax*

By:   
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

SEP - 6 2016

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 2

CASE # CR42-16-1074  
DATE 09/06/16  
TIME 1:30PM  
CD 159-202

By lm Clerk  
Deputy Clerk

STATE OF IDAHO,  
VS.

SCOTT CAMERON FREELAND ☒ DEFENDANT IN CUSTODY

**SENTENCING MINUTES**

**APPEARANCES:**

☒ Defendant Carne ☒ Prosecutor Hatch  
☒ Def. Counsel Carne ☐ Other

☐ Court and Counsel reviewed the PSI ☐ Counsel gave recommendations to the Court ☐ Comments from Defendant

**FINES/FEES/COSTS:** ☐ Court Costs ☐ Fine ☐ Suspended  
☐ Public Defender Fee ☐ Court Compliance Fee  
☐ Restitution ☐ Transcript ☐ Evaluation  
☐ DNA Sample ☐ Thumbprint Cost  
☐ Payments of \_\_\_\_\_ per month to begin ☐ Payment plan set up through P & P  
☐ Final payment due ☐ Tax Refunds to be applied to balances

**SENTENCE:** ☐ Penitentiary ☐ Determinate ☐ Indeterminate  
☐ 365 days Retained Jurisdiction Court Recommends:  
☐ Concurrent ☐ Consecutive ☐ Credit for time served  
☐ Withheld Jdmt

**PROBATION:** ☐ Probation Time \_\_\_\_\_ ☐ or until all balances are paid ☐ Standard Conditions of Probation  
Other Terms: ☐ \_\_\_\_\_ days county jail ☐ \_\_\_\_\_ days credit for county jail ☐ Work Release, if approved

☐ Follow Rec. in PSI ☐ Follow Rec. of Sub Abuse Assessment ☐ Follow Rec. of Mental Health Eval  
☐ Apply to/Enroll in/Complete \_\_\_\_\_  
☐ Report to 12 step Meeting/Aftercare within 24 hours ☐ Obtain all treatment pursuant to I.C. 19-2524  
☐ 1 Doctor, 1 Dentist, 1 Pharmacist  
☐ Dept. of H & W to follow up and comply with medication and/or mental health treatment for Defendant.  
☐ Apologize to Victim by \_\_\_\_\_ ☐ GED to be completed by \_\_\_\_\_  
☐ Driving privileges suspended \_\_\_\_\_ years ☐ \_\_\_\_\_ years ABSOLUTE ☐ Interlock device until \_\_\_\_\_  
☐ \_\_\_\_\_ hrs Community Service: \_\_\_\_\_ hours within 6 months remaining within 1 year;  
\_\_\_\_\_ hrs to be served on County Work Detail  
☐ Job Search ☐ Comply with all court orders ☐ Live at \_\_\_\_\_  
☐ Transfer of Probation approved to \_\_\_\_\_  
☐ Do not enter the U.S. Illegally/ Enroll with Probation and Parole within \_\_\_\_\_ days of returning to the U.S.  
or within \_\_\_\_\_ hours to the State of Idaho  
☐ Waiver of Fourth Amendment Rights ☐ Right to Appeal Waived due to Plea Agreement ☐ Right to Appeal Given  
☐ Order to Report given to Defendant

Other: Court + Counsel discussed mental health court eval.

reset Oct 11 @ 230pm (if report is received)  
soon Court will set soon 2016

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Sentencing

NOTICE IS GIVEN That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Sentencing	10/17/2016	2:30 PM	Randy J. Stoker

at the: Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: September 06, 2016

By: *Dorothy McMullen*  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

Stanley Holloway  
PO Box 126  
Twin Falls ID 83303-0126  
inbox.pros@co.twin-falls.id.us

[X] By email [ ] By mail

George P. Essma  
PO Box 126  
Twin Falls ID 83303-0126  
tfcpubdef@co.twin-falls.id.us

[X] By email [ ] By mail

Dated: September 06, 2016

By: *Dorothy McMullen*  
Deputy Clerk



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho

Plaintiff,

vs.

Scott Cameron Freeland

Defendant.

Case No. CR42-16-1074

Notice of Sentencing

**NOTICE IS GIVEN** That the above-entitled case is set for:

Hearing Type	Date	Time	Judge
Sentencing	09/19/2016	2:30 PM	Randy J. Stoker

at the: Twin Falls County Courthouse  
427 Shoshone St N / PO Box 126,  
Twin Falls ID 83301-0126

☐ All parties and counsel are required to be present.

KRISTINA GLASCOCK  
Clerk of the Court

Dated: September 13, 2016

By: Dorothy McMullen  
Deputy Clerk

**CERTIFICATE OF SERVICE**

I certify that on this date I served a copy of the attached to:

Stanley Holloway  
PO Box 126  
Twin Falls ID 83303-0126  
inbox.pros@co.twin-falls.id.us

[X] By email [ ] By mail

George P. Essma  
PO Box 126  
Twin Falls ID 83303-0126  
tfcpubdef@co.twin-falls.id.us

[X] By email [ ] By mail

Dated: September 13, 2016

By: Dorothy McMullen  
Deputy Clerk



SEP 19 2016

By dm 3:00 PM  
Clerk  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

State of Idaho,

Plaintiff,

vs.

Case No. CR-42-16-1074

Scott Cameron Freeland, a.k.a. Scott  
Freeland, a.k.a. Scott Cameron Lynch,  
a.k.a. Scott Harmon, a.k.a. Scott Carmen  
Harmon, a.k.a. Steven Franklin, a.k.a.  
Scott Camron Freeland  
SSN [REDACTED]  
DOB [REDACTED]

Defendant.

---

JUDGMENT OF CONVICTION  
UPON A PLEA OF GUILTY TO ONE FELONY COUNT, AND ORDER OF  
COMMITMENT.

---

I. APPEARANCES.

1. The date of sentencing was 09/19/2016, (hereinafter called sentencing date).
2. The State of Idaho was represented by counsel, Stan Holloway, of the Twin Falls County Prosecutor's office.
3. The defendant, Scott Cameron Freeland, a.k.a. Scott Freeland, a.k.a. Scott Cameron Lynch, a.k.a. Scott Harmon, a.k.a. Scott Carmen Harmon, a.k.a. Steven Franklin, a.k.a. Scott Camron Freeland, appeared personally. I.C. § 19-2503.
4. The defendant was represented by counsel, George Essma.
5. Randy J. Stoker, District Judge, presiding.

JUDGMENT OF CONVICTION  
TO ONE FELONY COUNT

## **II. ARRAIGNMENT FOR SENTENCING; I.C. § 19-2510, I.C.R. 33.**

1. **Arraignment:** The defendant, Scott Cameron Freeland, a.k.a. Scott Freeland, a.k.a. Scott Cameron Lynch, a.k.a. Scott Harmon, a.k.a. Scott Carmen Harmon, a.k.a. Steven Franklin, a.k.a. Scott Camron Freeland, was informed by the Court at the time of the sentencing of the nature of charge and the defendant's plea, which in this case was:

**Crime of:** Grand Theft by Possession of Stolen Property, a felony.

**Maximum Penalty:** Court costs, restitution, 14 years imprisonment, \$5,000 fine, or both such fine and imprisonment.

**Idaho Code Section(s):** 18-2403(4), 18-2407(1)(b)(6), 18-2409.

**Guilty by Plea -- date of:** 07/08/2016.

2. **Grounds for Not Entering Judgment (I.C. §§ 19-2510, 19-2511):** The Court inquired whether the defendant had any legal cause why judgment should not be pronounced against the defendant, and the defendant, through counsel, responded "No."

## **III. SENTENCING DATE PROCEEDINGS.**

At sentencing, the Court proceeded as follows:

1. Determined that more than two (2) days had elapsed from the plea to the date of sentencing. I.C. § 19-2501, I.C.R. 33(a)(1).
2. Discussed the presentence report and relevant matters with the parties pursuant to I.C. § 20-220 and I.C.R. Rule 32.
3. Determined victim's rights and restitution issues pursuant to I.C. § 19-5301 and Article 1, § 22 of the Idaho Constitution.
4. Offered an aggravation and/or mitigation hearing to both parties, including the right to present evidence pursuant to I.C.R. 33(a)(1).
5. Heard comments and sentencing recommendations of both counsel and asked the defendant personally if the defendant wished to make a statement and/or to present any information in mitigation of punishment. I.C.R. 33(a)(1).
6. The Court made its comments pursuant to I.C. § 19-2512, and discussed one or more of the criteria set forth in I.C. § 19-2521.

#### IV. THE SENTENCE.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, as follows:

1. **Court Costs**: The defendant shall pay court costs, including contribution to the Victim's Crime Fund, in the sum of \$245.50.
2. **Restitution**: The defendant shall pay any restitution or financial obligation ordered by the Court in the future pursuant to an Order of Restitution or as otherwise authorized by law. Such additional restitution or financial obligation is payable through the Clerk of the District Court to be disbursed to the appropriate recipients.
3. **Other Fees and Costs**: If the Court has previously ordered that the defendant submit to any testing or monitoring through the Twin Falls Misdemeanor Probation Office, the defendant shall pay the fees associated therewith, including any unpaid Court Compliance fees.
4. **Penitentiary**: The defendant, Scott Cameron Freeland, a.k.a. Scott Freeland, a.k.a. Scott Cameron Lynch, a.k.a. Scott Harmon, a.k.a. Scott Carmen Harmon, a.k.a. Steven Franklin, a.k.a. Scott Camron Freeland, shall be committed to the custody of the Idaho State Board of Correction, Boise, Idaho for a unified sentence (I.C. § 19-2513) of **14 years**; which unified sentence is comprised of a minimum (fixed) period of confinement of **3 years**, followed by an indeterminate period of custody of **11 years**, with the precise time of the indeterminate portion to be set by said Board according to law, with the total sentence not to exceed 14 years.
5. **Credit for Time Served**: The defendant is given credit for time previously served, if any, locally and with the Idaho Department of Corrections against the foregoing sentence. I.C. § 18-309.
6. **Treatment Expense**: If the Court has ordered an Alcohol / Substance Abuse Evaluation and Treatment and/or a Mental Health Evaluation and Treatment pursuant to I.C. § 19-2524, the expenses of the assessments, examinations, and any treatment ordered by the Court shall be borne by the department of correction or the department of health and welfare as provided in I.C. §§ 19-2524(2)(g) and (3)(g).
7. Nothing contained in this judgment shall preclude a victim from independently enforcing an order of restitution.

**V. ORDER ON PRESENTENCE INVESTIGATION REPORTS.**

The parties are hereby ordered to return their respective copies of the presentence investigative reports to the deputy clerk of the court's custody and use of said report shall thereafter be governed by I.C.R. 32(h)(1), (2), and (3).

**VI. BOND/CONDITIONS OF RELEASE.**

The defendant has satisfied the conditions of release in this case. Any cash bond posted in this case shall be applied to the costs and fine imposed in this case with the surplus, if any, refunded to the posting party. I.C. § 19-2922. Any surety bond posted in this case is hereby exonerated. I.C.R. 46(g). If the defendant was subject to any conditions of release, those conditions are ordered dismissed. I.C.R. 46(g).

**VII. ORDER OF COMMITMENT.**

It is ADJUDGED and ORDERED that the defendant be committed to the custody of the Sheriff of Twin Falls County, Idaho, for delivery forthwith to the Director of the Idaho State Board of Correction at the Idaho State Penitentiary, or other facility within the State designated by the State Board of Correction. I.C. § 20-237.

**VIII. ENTRY OF JUDGMENT – INCARCERATION - RECORD BY CLERK.**

The Court orders the Judgment and record be entered upon the minutes and that the record be assembled, prepared and filed by the Clerk of the Court in accordance with I.C. § 19-2519(a). In addition, and in accordance with I.C. § 19-2519(b), as soon as possible upon the entry of Judgment of Conviction the Clerk shall deliver to the Sheriff of Twin Falls County a copy of the Judgment pursuant to I.C. § 20-237.

**IX. RIGHT TO APPEAL - WAIVER.**

**The Right:** The defendant waived certain appeal rights pursuant to the written plea agreement in this case. To the extent the defendant retains any appeal rights, the Court advised the defendant, of the right to appeal this judgment within forty two (42) days of the date it is file stamped by the clerk of the court. I.C.R. 33(a)(3), I.A.R. 14(a).

**In Forma Pauperis:** The Court further advised the defendant of the right of a person who is unable to pay the costs of an appeal to apply for leave to appeal in forma pauperis, meaning the right as an indigent to proceed without liability for court costs and fees and the right to be represented by a court appointed attorney at no cost to the defendant. I.C.R. 33(a)(3), I.C. § 19-852(1)(a) and (2)(b).

**X. TERMINATION OF PUBLIC DEFENDER APPOINTMENT.**

If the Court has retained jurisdiction in this case, the appointment of the Twin Falls County Public Defender, including conflict counsel, terminates 120 days after any rider review hearing. Otherwise, the appointment is terminated immediately if the defendant

has waived the right to file an Appeal or Rule 35 Motion, or, in the event of no waiver, 120 days from the date of this Order if the defendant has not filed an Appeal, Rule 35, or post-trial Motion.

IT IS SO ORDERED.

Dated this 19 day of September 2016.

---

Randy J. Stoker  
District Judge

**CERTIFICATE OF SERVICE**

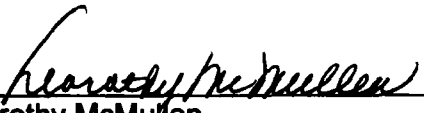
I hereby certify that on the 19 day of September 2016, I caused to be served a true and correct copy of the foregoing, by the method indicated below, and addressed to the following:

Stan Holloway  
Twin Falls County Prosecuting Attorney's Office  
P.O. Box 126  
Twin Falls, ID 83303 (✓) Email

George Essma  
Twin Falls County Public Defender's Office  
P.O. Box 126  
Twin Falls, ID 83303 (✓) Email

Idaho Department of Corrections  
Community Corrections Division  
Central Records Division  
Twin Falls County Probation Office (✓) Email

Twin Falls County Jail (✓) Email

  
\_\_\_\_\_  
Dorothy McMullen  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

DISTRICT COURT  
Fifth Judicial District  
County of Twin Falls - State of Idaho

SEP 19 2016

JUDGE R. STOKER  
CLERK A. AGUIRRE  
REPORTER T. BARKSDALE  
COURTROOM 2

CASE # CR42-16-1074  
DATE 09/19/16  
TIME 2:30PM  
CD 235

By [Signature] Clerk  
Deputy Clerk

STATE OF IDAHO,  
VS.

SCOTT CAMERON FREELAND DEFENDANT IN CUSTODY

**SENTENCING MINUTES**

**APPEARANCES:**

☒ Defendant [Signature] ☒ Prosecutor Holloway  
☒ Def. Counsel Cosme ☐ Other

☒ Court and Counsel reviewed the PSI ☒ Counsel gave recommendations to the Court ☒ Comments from Defendant

**FINES/FEE/COSTS:** ☒ Court Costs ☐ Fine ☐ Suspended  
☐ Public Defender Fee ☒ Court Compliance Fee  
☐ Restitution ☐ Transcript ☐ Evaluation  
☐ DNA Sample ☐ Thumbprint ☒ Cost not required  
☐ Payments of \_\_\_\_\_ per month to begin ☐ Payment plan set up through P & P  
☐ Final payment due ☐ Tax Refunds to be applied to balances

**SENTENCE:** ☒ Penitentiary 14 Determinate 3 Indeterminate 11  
☐ 365 days Retained Jurisdiction Court Recommends:  
☐ Concurrent ☐ Consecutive ☒ Credit for time served  
☐ Withheld Jdmt

**PROBATION:** ☐ Probation Time \_\_\_\_\_ ☐ or until all balances are paid ☐ Standard Conditions of Probation  
Other Terms: ☐ \_\_\_\_\_ days county jail ☐ \_\_\_\_\_ days credit for county jail ☐ Work Release, if approved

☐ Follow Rec. in PSI ☐ Follow Rec. of Sub Abuse Assessment ☐ Follow Rec. of Mental Health Eval  
☐ Apply to/Enroll in/Complete \_\_\_\_\_  
☐ Report to 12 step Meeting/Afterschool within 24 hours ☐ Obtain all treatment pursuant to I.C. 19-2524  
☐ 1 Doctor, 1 Dentist, 1 Pharmacist  
☐ Dept. of H & W to follow up and comply with medication and/or mental health treatment for Defendant.  
☐ Apologize to Victim by \_\_\_\_\_ ☐ GED to be completed by \_\_\_\_\_  
☐ Driving privileges suspended \_\_\_\_\_ years ☐ \_\_\_\_\_ years ABSOLUTE ☐ Interlock device until \_\_\_\_\_  
☐ \_\_\_\_\_ hrs Community Service: \_\_\_\_\_ hours within 6 months remaining within 1 year;  
\_\_\_\_\_ hrs to be served on County Work Detail  
☐ Job Search ☐ Comply with all court orders ☐ Live at \_\_\_\_\_  
☐ Transfer of Probation approved to \_\_\_\_\_  
☐ Do not enter the U.S. Illegally/ Enroll with Probation and Parole within \_\_\_\_\_ days of returning to the U.S.  
or within \_\_\_\_\_ hours to the State of Idaho  
☐ Waiver of Fourth Amendment Rights ☐ Right to Appeal Waived due to Plea Agreement ☒ Right to Appeal Given  
☐ Order to Report given to Defendant

Other: (255)

OFFICE OF THE PUBLIC DEFENDER  
Attorneys at Law  
P.O. Box 126  
Twin Falls, ID 83303  
Telephone: (208) 734-1155  
Fax #: (208) 734-1161  
Idaho State Bar # 3995

DISTRICT COURT  
TWIN FALLS CO., IDAHO  
FILED

2016 SEP 29 PM 4:02

BY                      CLERK  
                     DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	No. CR42-16-1074
Plaintiff/Respondent.	)	
	)	
vs.	)	
	)	NOTICE OF APPEAL
SCOTT FREELAND,	)	
	)	
Defendant/Appellant.	)	
_____	)	

TO: THE ABOVE NAMED RESPONDENT, PROSECUTOR, GRANT LOEBS, P.O. BOX  
126, TWIN FALLS, IDAHO AND THE CLERK OF THE ABOVE ENTITLED COURT.

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant, Scott Freeland, appeals against the above-named  
respondent, the State of Idaho, to the Idaho Supreme Court from the JUDGMENT OF  
CONVICTION UPON A PLEA OF GUILTY TO ONE FELONY COUNT, AND ORDER OF



COMMITMENT, entered in the above-entitled action on September 19, 2016, in the Twin Falls County District Court, the Honorable Randy Stoker presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgment or order described in paragraph 1 above are appealable orders under and pursuant to I.A.R.

11(c)(1).

( ) This is an EXPEDITED APPEAL pursuant to I.A.R. 12.2.

3. A preliminary statement of the issues on appeal which the appellant then intends to assert in the appeal; provided, any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal.

(a) Judgment of Conviction Upon a Plea of Guilty to One Felony Count, and  
Order of Commitment entered on September 19, 2016.

4. Has an order been entered sealing all or any portion of the record? If so, what portion? No.

5. Appellant requests the preparation of the entire standard clerk's record as defined in I.A.R. 25(c). The appellant also requests the preparation of the following portions of the reporter's transcript:

(a) Reporter's Transcript of the Sentencing hearing held on September 19, 2016.

(b) The appellant requests the preparation of the following portions of the reporter's transcript in [ ] hard copy [ ] electronic format [X] both.

6. The appellant requests the following documents to be included in the clerk's record in addition to those automatically included under I.A.R. 28.

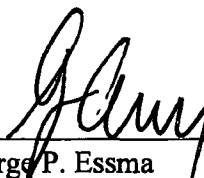
- (a) Judgment of Conviction Upon A Plea of Guilty to One Felony Count, and Order of Commitment entered on September 19, 2016.
- (b) Pre-Sentence Investigation Report, including any exhibits, attachments or addendums thereto;
- (c) The Addendum Pre-sentence Report, including any and all exhibits.

7. I certify:

- (a) That a copy of this notice of appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:  
  
Name and Address: Tracy Barksdale, P.O. Box 126, Twin Falls, Idaho 83303.
- (b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code 31-3220, 31-3220A, I.A.R. 27(e);
- (c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code 31-3220, 31-3220A, I.A.R. 23(a)(8);
- (d) That arrangements have been made with Twin Falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code 31-3220, 31-3220A, I.A.R. 24(e);

- (e) That service has been made upon all parties required to be served pursuant to I.A.R. 20 and the attorney general of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED This 27<sup>th</sup> day of September, 2016.

  
\_\_\_\_\_  
George P. Essma  
Deputy Public Defender

CERTIFICATE OF DELIVERY

I, the undersigned, hereby certify that on the 27<sup>th</sup> day of September, 2016, NOTICE OF APPEAL was served as follows:

By delivering a true and correct copy of the foregoing to the following by placing said copy in the appropriately-marked mailbox/folder located in the Court Services Department of the Twin Falls County Courthouse:

Grant Loebbs  
Prosecuting Attorney  
Twin Falls County

By U.S. Mail, with postage prepaid, in an envelope addressed to the following:

Court Reporter:  
Tracy Barksdale  
P.O. Box 126  
Twin Falls, Idaho 83303

Clerk of the Idaho Supreme Court  
P.O. Box 83720  
Boise, ID 83720

Attorney General's Office  
P.O. Box 83720 Room, 210  
Boise, ID 83720

Office of the State Appellate Public Defender  
P.O. Box 2816  
Boise, ID 83701

  
\_\_\_\_\_  
Legal Secretary

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

(208) 736-4025

State of Idaho

vs.

Scott Cameron Freeland  
203 7th Ave E  
Twin Falls Id 83301

Case No. CR42-16-1074

Citation No.

Affidavit and Notice of Failure to Pay

Event Code: ANFP

TO: **Scott Cameron Freeland**

THE UNDERSIGNED, being duly sworn, deposes and says:

That I am a Deputy Clerk of the District Court and that I have reviewed the Court's records and state that:

1. Judgment was entered for the charge(s) of:

Citation #	Issue Date	Statute I.C. §	Charge Description	Disposition
	01/28/2016	118-3316(1)	Weapon-Unlawful Possession by Convicted Felon	Dismissed on Motion of Prosecutor
	01/28/2016	118-2403(4) {F}	Theft by Receiving, Possessing or Disposing of Stolen Property, etc	Guilty

against the above-named Defendant, for which monies are still left owing in the amount of **\$245.50.**

2. That the Defendant has failed to pay said penalty as ordered by the Court.
- 3.. That unless the Defendant, within thirty (30) days after receipt of this notice, disputes the validity of the debt, or any portion thereof, the debt will be assumed to be valid by Court Services.
4. That if the Defendant notifies Court Services in writing within the thirty (30) day period that the debt, or any portion thereof, is disputed, Court Services will obtain verification of the debt.
5. That if the monies owed are not paid in full by October 30, 2016, pursuant to statute, a collection agency will seek to collect any unpaid monies and will charge an additional 33% of the money owed as a collection fee.
6. That if the monies owed are not paid, the Court may refer this case to the Prosecuting Attorney for the preparation of a warrant for the arrest/attachment of the above named Defendant.
7. That if the monies owed are not paid, the Court may refer this case to the Prosecuting Attorney for the preparation of a warrant for the arrest/attachment of the above named Defendant.
8. I certify under penalty of perjury pursuant to the law of the State of Idaho, I.C. 18-5402, that the foregoing is true and correct.

**BALANCE DUE: \$245.50**

☒ Mailed to Defendant this date.  
Dated: September 30, 2016

By: Brenda Banyai  
Deputy Clerk

CR42 - 16 - 1074  
ANFP  
Affidavit & Notice of Failure to Pay  
145048




228



AFFIDAVIT AND NOTICE OF FAILURE TO PAY  
M-CR (MISC36)

OFFICE OF THE PUBLIC DEFENDER  
Attorneys at Law  
P.O. Box 126  
Twin Falls, ID 83303  
Telephone: (208)734-1155  
Fax #: (208) 734-1161  
Idaho State Bar # 3995

Signed: 10/6/2016 05:20 PM	
FILED By: 	Deputy Clerk
Fifth Judicial District, Twin Falls County Kristina Glascock, Clerk of the Court	

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	
Plaintiff,	)	CASE NO. CR42-16-1074
	)	
vs.	)	
	)	NOTICE AND ORDER
	)	APPOINTING STATE APPELLATE
SCOTT FREELAND,	)	PUBLIC DEFENDER IN DIRECT
	)	APPEAL
Defendant.	)	
	)	

TO: The Office of the Idaho State Appellate Public Defender:

The above-named petitioner/appellant has filed a notice of appeal on September 27, 2016, (copy attached) and/or has moved the Court for appointment of an appellate public defender in direct appeal of the Judgment of Conviction Upon A Plea of Guilty to One Felony Count, and Order of Commitment entered on September 19, 2016, by Honorable Randy Stoker, District Judge, Twin Falls County.

This Court being satisfied that said defendant-appellant is a needy person entitled to the services of the State Appellate Public Defender per §19-863A, Idaho Code,

ORDER



IT IS HEREBY ORDERED, per §19-870, Idaho Code, that you are appointed to represent the defendant-appellant in all matters as indicated herein, or until relieved by further order of the court.

IT IS HEREBY ORDERED, pursuant to I.A.R. Rule 1, the parties, the Clerk of the court and the Court Reporter, shall follow the established Idaho Appellate Rules in the preparation of this appeal record.

IT IS FURTHER ORDERED that the State Appellate Public Defender's Office is provided the following information by the Court:

- 1) The defendant is in the custody of the Idaho Department of Corrections.
- 2) A copy of the Judgment of Conviction Upon A Plea of Guilty to One Felony Count, and Order of Commitment entered on September 19, 2016.
- 3) A copy of the Notice of Appeal or Application.
- 4) A copy of the Register of Actions in this matter.
- 5) A copy of the Pre-Sentence Investigation Report.

IT IS SO ORDERED.

Dated: \_\_\_\_\_  
Signed: 10/5/2016 03:22 PM

Signed: \_\_\_\_\_  


CERTIFICATE OF SERVICE

Signed: 10/6/2016 05:20 PM

I HEREBY CERTIFY that I have this \_\_\_\_ day of \_\_\_\_\_, 2016 served a true and correct copy of the attached NOTICE AND ORDER APPOINTING STATE APPELLATE PUBLIC DEFENDER IN DIRECT APPEAL by placing a copy in the United States mail, ~~postage prepaid, addressed to:~~ via E-Mail

State Appellate Public Defender  
P.O. Box 2816  
Boise, Idaho 83701

esmith@sapd.state.id.us

GRANT P. LOEBS  
Twin Falls County Prosecuting Attorney  
P.O. Box 126  
Twin Falls, ID 83303-0126

inbox.pros@co.twin-falls.id.us

TWIN FALLS COUNTY  
PUBLIC DEFENDER  
P.O. Box 126  
Twin Falls, ID 83303-0126

tfcpubdef@co.twin-falls.id.us

Court Reporter:  
Tracy Barksdale  
P.O. Box 126  
Twin Falls, ID 83303


tbarksdale@co.twin-falls.id.us

OFFICE OF THE ATTORNEY GENERAL  
Statehouse, Room 210  
P.O. Box 83720  
Boise, ID 83720

ecf@ag.idaho.gov

Clerk of the Supreme Court  
P.O. Box 83720  
Boise, ID 83720

supremecourtdocuments@idcourts.net

  
Clerk of the Court.



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	
Plaintiff/Respondent,	)	CASE NO. CR 42-16-1074
	)	
vs	)	CLERK'S CERTIFICATE
	)	OF APPEAL
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant.</u>	)	

APPEAL FROM: Fifth Judicial District, Twin Falls County.  
Honorable Randy J. Stoker, presiding

CASE NUMBER FROM COURT: CR 42-16-1074

ORDER OR JUDGMENT APPEALED FROM: Judgment of Conviction Upon a Plea  
of Guilty to One Felony Count, and Order of Commitment which was entered in the  
above-entitled matter on September 19, 2016.

ATTORNEY FOR RESPONDENT: Lawrence Wasden

ATTORNEY FOR APPELLANT: Sara Thomas

APPEALED BY: Scott Cameron Freeland

APPEALED AGAINST: State of Idaho

NOTICE OF APPEAL FILED: September 29, 2016

AMENDED APPEAL FILED:

NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

ESTIMATED CLERK'S RECORD FEE PAID: exempt

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL  
RECORD FILED:

RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL  
REPORTER'S TRANSCRIPT FILED:

WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED:        Yes

ESTIMATED NUMBER OF PAGES: \_\_\_\_\_.

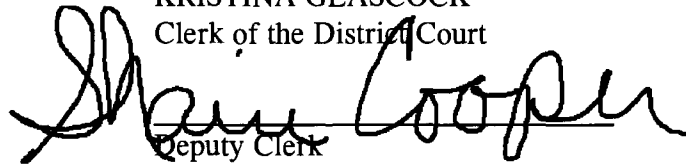
IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN  
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:

NAME AND ADDRESS: Tracy Barksdale, P. O. Box 126, Twin Falls, ID 83303-  
0126

Signed: 10/26/2016 08:17 PM

DATED: October 26, 2016

KRISTINA GLASCOCK  
Clerk of the District Court

  
Deputy Clerk

ERIC D. FREDERICKSEN  
Interim State Appellate Public Defender  
I.S.B. #6555

JUSTIN M. CURTIS  
Deputy State Appellate Public Defender  
I.S.B. #6406  
P.O. Box 2816  
Boise, ID 83701  
(208) 334-2712

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

2016 NOV 18 PM 2:50

BY                      CLERK  
                     DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR TWIN FALLS COUNTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

SCOTT CAMERON FREELAND,

Defendant-Appellant.

CASE NO. CR42-16-1074

S.C. DOCKET NO. 44593

AMENDED  
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, GRANT LOEBS, TWIN FALLS COUNTY PROSECUTOR, P.O. BOX 126, TWIN FALLS, ID 83303-0126, AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named appellant appeals against the above-named respondent to the Idaho Supreme Court from the Judgment of Conviction upon a Plea of Guilty to One Felony Court, and Order of Commitment entered in the above-entitled action on the 19<sup>th</sup> day of September, 2016, the Honorable Randy J. Stoker, presiding.
2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-9).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

(a) Judgment of Conviction upon a Plea of Guilty to One Felony Court, and Order of Commitment entered on September 19, 2016.

4. ~~Has an order been entered sealing all or any portion of the record? If so, what portion?~~ No. There is a portion of the record that is sealed. That portion of the record that is sealed is the Mental Health Assessment and the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the entire reporter's standard transcript as defined in I.A.R. 25(e d). The appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Motion to Suppress Hearing held on June 9, 2016 (Court Reporter: Tracy Barksdale, no estimation of pages are listed on the Register of Actions).

(b) Motion to Suppress Hearing held on June 15, 2016 (Court Reporter: Tracy Barksdale, no estimation of pages are listed on the Register of Actions).

(c) Change of Plea Hearing held on July 8, 2106 (Court Reporter: Tracy Barksdale, no estimation of pages are listed on the Register of Actions); and

(d) Reporter's Transcript of the Sentencing Hearing held on September 19, 2016 (Court Reporter: Tracy Barksdale, no estimation of pages are listed on the Register of Actions).

6. Clerk's Record. The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

- (a) Response to Defendant's Motion to Suppress – State's filed June 8, 2016;
- (b) Memorandum Opinion Re: Motion to Suppress filed June 21, 2016;
- (c) Offer filed July 8, 2016;
- (d) Judgment of Conviction Upon A Plea of Guilty to One Felony Count, and Order of Commitment entered on September 19, 2016.
- (e) Pre-Sentence Investigation Report, including any exhibits, attachments or addendum thereto;
- (f) The Addendum Pre-sentence Reporter, including any and all exhibits.
- (g) Any exhibits, including but not limited to letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing.

7. I certify:

- (a) That a copy of this Amended Notice of Appeal has been served on the Court Reporter, Tracy Barksdale;

(b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent. (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 27(e f));

(c) That there is no appellate filing fee since this is an appeal in a criminal case (Idaho Code §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));

(d) That arrangements have been made with Twin Falls County who will be responsible for paying for the reporter's transcript, as the client is indigent, Idaho Code §§ 31-3220, 31-3220A, I.A.R. 24(e h); and

(e) That service has been made upon all parties required to be served pursuant to I.A.R. 20 and the Attorney General of Idaho pursuant to Section 67-1401(1), Idaho Code.

DATED this 18<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
JUSTIN M. CURTIS  
Deputy State Appellate Public Defender

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY that I have this 18<sup>th</sup> day of November, 2016, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

GEORGE P ESSMA  
ATTORNEY AT LAW  
PO BOX 126  
TWIN FALLS ID 83303-0126

TRACY BARKSDALE  
COURT REPORTER  
PO BOX 126  
TWIN FALLS ID 83303-0126

GRANT LOEBS  
TWIN FALLS COUNTY PROSECUTOR  
PO BOX 126  
TWIN FALLS ID 83303-0126

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL – CRIMINAL DIVISION

Hand delivered to Attorney General's mailbox at Supreme Court

  
MARY ANN LARA  
Administrative Assistant

JMC/mal

**Sharie Cooper**

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Tuesday, November 8, 2016 04:31 PM  
**To:** ecf@ag.idaho.gov; documents@sapd.state.id.us; mlara@sapd.state.id.us;  
scooper@co.twin-falls.id.us; tbarksdale@co.twin-falls.id.us; RSTOKER@CO.TWIN-  
FALLS.ID.US; EFREDERICKSEN@SAPD.STATE.ID.US  
**Subject:** 44593 - STATE v. SCOTT FREELAND (Twin Falls CR42-16-1074)  
**Attachments:** 44593 CC.pdf; 44593 NOA.pdf

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

2016 NOV 22 PM 4:05

CLERK

DEPUTY

FILED NOTICE OF APPEAL - TRANSCRIPTS REQUESTED - SEE ALL ATTACHMENTS. Please review the CLERK'S CERTIFICATE OF APPEAL and notify the Court of any errors. \*\*SET DUE DATE - TRANSCRIPTS (Reporter's lodging date is 12-08-16) AND CLERK'S RECORD DUE 01-12-17\*\*



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	<b>Supreme Court No.</b> <u>44593</u>
	)	
Plaintiff/Respondent,	)	CASE NO. CR 42-16-1074
	)	
vs	)	CLERK'S CERTIFICATE
	)	OF APPEAL
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant.</u>	)	

APPEAL FROM: Fifth Judicial District, Twin Falls County.  
Honorable Randy J. Stoker, presiding

CASE NUMBER FROM COURT: CR 42-16-1074

ORDER OR JUDGMENT APPEALED FROM: Judgment of Conviction Upon a Plea  
of Guilty to One Felony Count, and Order of Commitment which was entered in the  
above-entitled matter on September 19, 2016.

ATTORNEY FOR RESPONDENT: Lawrence Wasden

ATTORNEY FOR APPELLANT: Sara Thomas

APPEALED BY: Scott Cameron Freeland

APPEALED AGAINST: State of Idaho

NOTICE OF APPEAL FILED: September 29, 2016

AMENDED APPEAL FILED:

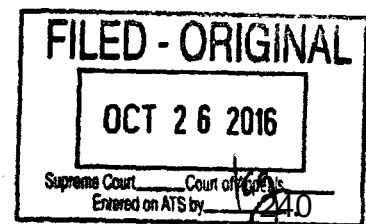
NOTICE OF CROSS-APPEAL FILED:

AMENDED NOTICE OF CROSS-APPEAL FILED:

APPELLATE FEE PAID: exempt

ESTIMATED CLERK'S RECORD FEE PAID: exempt

CLERK'S CERTIFICATE OF APPEAL - 1



**RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL  
RECORD FILED:**

**RESPONDENT OR CROSS-RESPONDENT'S REQUEST FOR ADDITIONAL  
REPORTER'S TRANSCRIPT FILED:**

**WAS DISTRICT COURT REPORTER'S TRANSCRIPT REQUESTED:**       **Yes**

**ESTIMATED NUMBER OF PAGES:** \_\_\_\_\_.

**IF SO, NAME OF EACH REPORTER OF WHOM A TRANSCRIPT HAS BEEN  
REQUESTED AS NAMED BELOW AT THE ADDRESS SET OUT BELOW:**

**NAME AND ADDRESS:** Tracy Barksdale, P. O. Box 126, Twin Falls, ID 83303-  
0126

**DATED:** October 26, 2016

**KRISTINA GLASCOCK**  
**Clerk of the District Court**

\_\_\_\_\_  
**Deputy Clerk**

**Sharie Cooper**

DISTRICT COURT  
TWIN FALLS, CO. IDAHO  
FILED

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Wednesday, November 23, 2016 08:51 AM  
**To:** scooper@co.twin-falls.id.us; tbarksdale@co.twin-falls.id.us  
**Subject:** 44593 - STATE v. SCOTT FREELAND (Twin Falls CR42-16-1074)

2016 NOV 25 PM 4: 03

CLERK

AC

REPLY

FILED NOTICE OF TRANSCRIPT LODGED - BY T. BARKSDALE (214 pages).

**Sharie Cooper**

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Friday, November 25, 2016 08:14 AM  
**To:** tbarksdale@co.twin-falls.id.us; scooper@co.twin-falls.id.us; KGrove@idcourts.net  
**Subject:** 44593 - STATE v. SCOTT FREELAND (Twin Falls CR42-16-1074)

2016 NOV 25 PM 4:03

CLERK

*SC*

DEPUTY

FILED CORRECTED TRANSCRIPT LODGED - BY T. BARKSDALE (214 pages).

**Sharie Cooper**

DISTRICT COURT  
TWIN FALLS CO. IDAHO  
FILED

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Friday, November 25, 2016 05:23 PM  
**To:** ecf@ag.idaho.gov; RSTOKER@CO.TWIN-FALLS.ID.US;  
EFREDERICKSEN@SAPD.STATE.ID.US; tbarksdale@co.twin-falls.id.us;  
mlara@sapd.state.id.us; scooper@co.twin-falls.id.us; documents@sapd.state.id.us  
**Subject:** 44593 - STATE v. SCOTT FREELAND (Twin Falls CR42-16-1074)  
**Attachments:** 44593 ANOA.pdf

2016 NOV 28 AM 9:56

FILED AMENDED NOTICE OF APPEAL (additional documents, transcripts & Reporter identified; however, all of the transcripts now being requested have been prepared & lodged with the Court) - PLEASE SEE ATTACHMENT. \*\*DUE DATE FOR TRANSCRIPTS AND CLERK'S RECORD REMAINS SET FOR 01-12-17\*\*

IN THE SUPREME COURT OF THE STATE OF IDAHO  
TWIN FALLS CO. IDAHO  
FILED

2016 NOV 28 PM 1:51

THE STATE OF IDAHO,  
  
Plaintiff,  
  
vs.  
  
SCOTT CAMERON FREELAND,  
  
Defendant.

BY \_\_\_\_\_  
Supreme Ct. 44593  
Twin Falls CR42-16-1074  
NOTICE OF LODGING

To: THE CLERK OF THE IDAHO SUPREME COURT

NOTICE IS HEREBY GIVEN that on November 22, 2016, I lodged a transcript of 214 pages in length for the above-referenced appeal with the District Court Clerk of Twin Falls County in the Fifth Judicial District. The transcript includes: MOTION TO SUPPRESS HEARING (DAY ONE), dated Thursday, June 9, 2016; MOTION TO SUPPRESS HEARING (DAY TWO), dated Wednesday, June 15, 2016; CHANGE OF PLEA HEARING, dated Friday, July 8, 2016; and SENTENCING HEARING dated Monday, September 19, 2016.

A PDF copy of the transcript will be emailed to sctfilings@idcourts.net.

*Tracy E. Barksdale*  
TRACY E. BARKSDALE, RPR, CSR 999

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

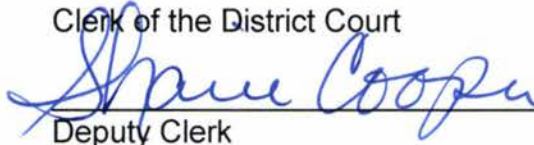
STATE OF IDAHO,	)	
	)	SUPREME COURT NO. 44593
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 42-16-1074
	)	
vs.	)	CLERK'S CERTIFICATE
	)	
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant,</u>	)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that the foregoing CLERK'S RECORD on Appeal in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I do further certify that all exhibits, offered or admitted in the above-entitled cause, will be duly lodged with the Clerk of the Supreme Court.

WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this 12<sup>th</sup> day of December, 2016.

KRISTINA GLASCOCK  
Clerk of the District Court

  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	SUPREME COURT NO. 44593
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 42-16-1074
	)	
vs.	)	CERTIFICATE OF EXHIBITS
	)	
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant,</u>	)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify:

That the following is a list of exhibits to the record that have been filed during the course of this case.

State's Exhibit 1, Photo of 9mm gun, Admitted March 3, 2016 Preliminary Hearing  
State's Exhibit 2, certified copy of conviction in CR 2011-2618, Admitted March 3, 2016, Preliminary Hearing  
State's Exhibit 1, Photo Couch With Idaho Power Pouch, Admitted June 9, 2016, Motion to Suppress Hearing  
State's Exhibit 2, Photo (Clerc Box), Admitted June 9, 2016, Motion to Suppress Hearing  
State's Exhibit 3, Photo gun box, Admitted June 9, 2016, Motion to Suppress Hearing  
State's Exhibit 4, Photo gun, Admitted June 15, 2016, Motion to Suppress Hearing  
Transcript of Preliminary Hearing heard March 3, 2016, Filed April 7, 2016

**CONFIDENTIAL EXHIBITS**

Application for Problem Solving Court – Mental Health Court, Filed July 8, 2016  
PSI Face Sheet (Confidential), Filed July 11, 2016  
Pre-Sentence Investigation Report (Confidential), Filed August 31, 2016  
Fifth Judicial District Mental Health Court Participant Referral Report, Filed September 13, 2016



**EXHIBITS SENT AS CD'S**

Defendant's Exhibit 1, Electronic Media 311-audio, Admitted June 9, 2016,  
Motion to Suppress Hearing

Defendant's Exhibit 2, Electronic Media Freeland Audio, Admitted June 9, 2016,  
Motion to Suppress Hearing

In WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of  
the said Court this 12<sup>th</sup> day of December, 2016.

KRISTINA GLASCOCK  
Clerk of the District Court

  
Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

STATE OF IDAHO,	)	
	)	SUPREME COURT NO. 44593
Plaintiff/Respondent,	)	DISTRICT COURT NO. CR 42-16-1074
	)	
vs.	)	CERTIFICATE OF SERVICE
	)	
SCOTT CAMERON FREELAND,	)	
	)	
<u>Defendant/Appellant,</u>	)	

I, KRISTINA GLASCOCK, Clerk of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Twin Falls, do hereby certify that I have personally served or mailed, by United States Mail, one copy of the CLERK'S RECORD and REPORTER'S TRANSCRIPTS to each of the Attorneys of Record in this cause as follows:

ERIC FREDERICKSEN  
State Appellate Public Defender  
322 East Front Street, Suite 570  
Boise, ID 83702

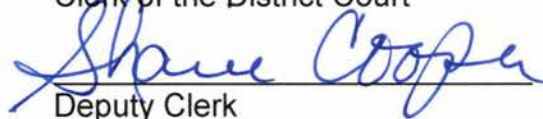
ATTORNEY FOR APPELLANT

LAWRENCE WASDEN  
Attorney General  
Statehouse Mail Room 210  
P.O. Box 83720  
Boise, Idaho 83720-0010

ATTORNEY FOR RESPONDENT

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said this 13<sup>th</sup> day of December, 2016.

KRISTINA GLASCOCK  
Clerk of the District Court

  
Deputy Clerk